

# **Bassetlaw District Council Response to Inspectors Matters, Issues and Questions**

## **Matter 8 – Meeting Housing Needs of different groups in the community**

**4 November 2022**

(Issue 8)

Please note: Where the Council is proposing changes to policies or reasoned justification in the submitted plan these are detailed in the responses as follows:

- Additional and new text proposed underlined
- ~~Deleted text~~ proposed strike through

## **(Policies ST29 – ST34)**

### **Issue 8 - 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?**

- 8.1 a) In Policy ST29 is the 20%/25% (brownfield/greenfield) affordable housing requirements justified, and will it be effective in helping to maximise affordable housing and not undermining deliverability?

#### **BDC Response:**

The Whole Plan Viability Assessment 2022 [PUB-028] tested a range of affordable housing delivery from 10-30% in combination with a range of infrastructure contributions per dwelling on greenfield and brownfield sites. In accordance with the Community Infrastructure Levy Planning Practice Guidance (Paragraph 10), the Council sought an appropriate balance between infrastructure contributions and affordable housing delivery but recognised that brownfield development is likely to be less viable than greenfield development and therefore introduced a differential affordable housing requirement of 25% for greenfield sites and 20% for brownfield sites. The assessment results demonstrate positive viability margins incorporating a reasonable 'buffer'. As such, the proposed affordable housing requirements are deemed to be justified and deliverable.

By setting the affordable housing requirements at 20%/25% the Council expects to secure approximately 768 affordable dwellings from Local Plan site allocations (paragraph 7.17.19 [of SUB-010]) by 2038. It is considered this demonstrates the effectiveness of the policy in helping to maximise affordable housing delivery as a proportion of mixed market and affordable housing developments by the end of the plan period.

Policy ST29 is considered to provide an effective framework to guide the provision of affordable housing over the Plan period. The affordable housing requirement applies to major residential development. As such, it will also apply to other relevant market-led developments that may come forward as windfall development or through Neighbourhood Plans for example. Part 10 also provides a framework for rural exception sites, which by definition are not known to the Council. These provisions are considered to promote alternative routes to maximise affordable housing delivery.

Additionally, the policy is considered to be sufficiently flexible to allow for issues to be overcome that are unknown at the time of plan preparation so as not to undermine deliverability; at planning application stage if it can be demonstrated that on site provision is not practicable then off site measures on developer owned land or as a financial contribution will be sought. Part 4 of the policy also states that the size of property will be considered in light of the latest Housing Needs Assessment, which will provide flexibility in determining size of properties to better meet local needs.

Part 9 and 11 address matters of viability in line with national policy. The provisions are clear that where the policy requirements are considered to make a scheme unviable, viability evidence will be required to demonstrate the level of affordable housing achievable. This will be independently reviewed to inform discussions between the Council and the developer.

b) Is there convincing evidence to justify the proposed tenure split for affordable housing units? Would this accurately reflect the requirements for affordable housing in the Housing and Economic Development Needs Assessment and Addenda (SS-010, SS-007 and SS-024)?

**BDC Response:**

The calculation of affordable housing need is set out in the Bassetlaw Housing and Economic Development Needs Assessment (HEDNA) 2020 [SS-007]. Chapter 6 identifies a need for 214 affordable units to rent and gross need for 84 affordable units to buy (and a net surplus of 117).

The HEDNA [SS-007] does not, however, make any recommendations as to the split of affordable housing to be delivered. Paragraph 6.67 to 6.72 [of SS-007] states that both affordable and social rental tenures will likely be required in all areas and that it will be for the Council to decide any strategic or site-specific mix based on a series of considerations.

The split requiring 25% of housing to be first homes is in response to the PPG requirements that: *“First Homes are the government’s preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations”* (Reference ID: 70-001-20210524).

The Whole Plan Viability Assessment 2022 [PUB-028] recognises that different tenures of affordable housing have significantly different values which can have a marked impact on development viability. As such, the tenure split (50% First Homes and Low Cost Home Ownership at 70% of Open Market Value and 50% Affordable Rent at 50% Open Market Value) takes account of the PPG requirement for First Homes whilst still making a significant allowance for social housing delivery.

The tenure split proposed by Policy ST29 is therefore considered robust, justified, viable and reflective of the principles of the HEDNA [SS-007].

c) Is Policy ST29 sufficiently clear in the approach to be taken for off-site and/or financial contributions in lieu of on-site provision?

**BDC Response:**

Policy ST29 Parts 5 and 6 set out the approach to be taken to off site and/or financial contributions. The Council considers that there may be exceptional circumstances where if it can be demonstrated that it is not practicable or viable to provide all or part of the affordable housing requirement on site, Part 5 and/or 6 may apply.

The approach taken is justified in that it reflects the requirements of the NPPF paragraph 63. But for clarity and consistency with the reasoned justification, it is proposed to change the policy wording as follows:

5. Exceptions to the requirement for on-site provision will be:

- a) Schemes which involve the conversion of a building which is not able to physically accommodate units of the size and type of affordable housing which is required within that locality;
  - b) Specialist accommodation where it can be demonstrated that the management of the building(s) would make it difficult to provide affordable housing on-site (such as sheltered or extra care accommodation);
  - c) Where, to create a mixed and balanced community, it can be demonstrated that it is not practicable to provide all or part of the requirement on site;
6. In ~~the~~ exceptional circumstances identified by 2 a-c above ~~where it can be demonstrated that all or part of the requirement is not deliverable on site~~ the requirement should be provided off-site on developer owned land or as a financial contribution, of equivalent value, to be used by the Council to meet affordable housing needs within the district.
- ~~Exceptions to the requirement for on-site provision will be:~~
- ~~e) Schemes which involve the conversion of a building which is not able to physically accommodate units of the size and type of affordable housing which is required within that locality;~~
  - ~~d) Specialist accommodation in Class C2 where the management of the building(s) would make it difficult to provide affordable housing on-site (such as sheltered accommodation);~~

With the proposed modifications, Policy ST29 is considered to be sufficiently clear in the approach to be taken for off-site and/or financial contributions in lieu of on-site provision.

- d) Are the suggested main modifications to ST29 and the supporting text necessary for soundness?

**BDC Response:**

The justification for modifications M1.71 is in response to representations received from Planning Issues following consultation of the publication version of the local plan, for clarification purposes. Therefore it is considered these changes are justified in order to produce an effective local plan and the modifications are necessary to enhance soundness.

- 8.2 a) Does ST30 provide an effective framework for ensuring an appropriate mix of housing will be delivered over the plan period?

**BDC Response:**

The housing mix as identified in Policy ST30 derives from the Housing and Economic Development Needs Assessment (HEDNA), 2020 [SS-007], and is summarised in Figure 28 (of [SUB-010]).

The HEDNA [SS-007] recognises that a range of factors will influence demand for different size homes over the Plan period, including demographic changes, future growth in wages and a households' ability to save, and housing affordability. The policy seeks to ensure sufficient homes are built of a size and type that meet the needs of local people.

When determining housing mix, the Council will have regard to the nature of the site and character of the area, whether the properties are market or affordable, the existing mix and turnover of properties at the local level and the needs of the local community.

The policy sets out the criteria which must be met for all new residential development to assist in the creation of sustainable and inclusive communities through the provision of an appropriate mix of dwellings in terms of size, type and tenure. The policy also sets out considerations for self and custom build housing.

The Council considers that Policy ST30 will provide an effective framework for ensuring an appropriate mix of housing will be delivered over the plan period, as demonstrated by the need identified within the HEDNA [SS-007]. The policy is considered to be sufficiently flexible to allow for issues to be overcome that are unknown at the time of plan preparation; at planning application stage Part 1 b) requires that mix is informed by up to date evidence of need thereby ensuring changing needs such as in relation to property size over the Plan period be can responded to.

b) Is the requirement in ST30 to provide 2% of plots on housing allocations over 100 for self-build plots justified? Will the policy approach be effective in ensuring the delivery of an adequate supply of custom and self-build plots over the plan period?

**BDC Response:**

Under the Self Build & Custom Housebuilding Act 2015 and NPPF (paragraph 62), it is the responsibility of the Council, to ensure that sufficient permissions are given to meet demand for self-build. As of October 2020 the Council had 91 individual registrations on its self-build register which evidences the demand for such sites. The Act places a duty on the Council to have regard to this register in carrying out its planning function.

The Housing and Economic Development Needs Assessment (HEDNA), 2020 [SS-007] suggests that to address demand, there is potential to encourage developers of larger housing site allocations to provide plots for self-build.

The Self Build and Custom Housebuilding PPG sets out ways in which local planning policies may address identified requirements for self and custom housebuilding. This includes 'for example, as a number of units required as part of certain allocated sites, or on certain types of site.' (Paragraph: 025 Reference ID: 57-025-20210508 Revision date: 08 02 2021). It is considered the approach promoted by Policy ST30 is therefore justified and provides an appropriate balance between enabling delivery of the larger site allocations and making appropriate provision for self-build within an allocation, noting that not all self-builders want to build their homes on larger development, but should be offered the opportunity to do so.

The Council considers that Policy ST30 will provide an effective framework for enabling the delivery of self-build homes of different scales and locations across the district over the Plan period through a variety of mechanisms; Part 2 is supportive of proposals subject to compliance with relevant Plan policies; Part 3 requires provision through larger site allocations and Part 4 asks neighbourhood plans to consider the local need for self-build and appropriately identify allocations to meet that local need.

c) Is the suggested main modification to the supporting text necessary for soundness.

**BDC Response:**

The justification for modification M1.72 was in response to representations received from the Home Builders Federation, Fisher German and Gladmans Developments following consultation of the Publication Version of the Local Plan [PUB-001]. These were made for clarification purposes and to strengthen consistency with the local evidence base. Therefore it is considered these changes are justified in order to produce an effective local plan and the modifications are necessary to enhance soundness.

- 8.3 a) Are the requirements of ST31 relating to the provision of homes that comply with M4(2) of the building regulations justified by evidence relating to need and viability?

**BDC Response:**

It is considered that the Bassetlaw Housing and Economic Development Needs Assessment, 2020 [SS-007] Chapter 8 robustly examines the need for older and disabled persons over the Plan period. This shows (at Table 56) that the then housing need of 591 dpa would support a growth in the population aged 65+ of 46.9% and of those aged 75+ of 70.1% between 2018 and 2037. It should be noted that much of the growth in the elderly population is due to people aging in place rather than migrating to the district.

Table 57 [of SS-007] also sets out that 38.1% of the district's households have at least one person with a long-term health problem compared to 34% in the East Midlands region and 32.7% nationally. Figure 7 [of SS-007] also shows that this is more prevalent in those aged 65 and over.

Table 58 [of SS-007] draws on Projecting Adult Needs and Service Information (PANSI) data which shows that between 2018 and 2037 there is expected to be a 59.7% increase in those with mobility problems and 3.9% increase in those with impaired mobility. These factors, as paragraph 8.21 [of SS-007] states, 'provides clear evidence justifying delivering 'accessible and adaptable' homes as defined in Part M4(2) of Building Regulations.'

The Whole Plan Viability Assessment 2022 [PUB-028] makes allowance for all dwellings to be constructed to M4(2) standards with appropriate additional cost allowances as set out in the Gleeds cost report (Appendix 2 [of PUB-028]). This is estimated to add £11sqm over National Housing Standards equivalent build cost allowance for houses and £16sqm for apartments, and is considered to be achievable in the district.

As such, the Council considers this appropriate evidence justifies the requirement within ST31 relating to the provision of market housing complying with M4(2) of the building regulations in relation to need and viability.

- b) Does ST31 provide an effective framework to ensure the needs for specialist housing over the plan period will be met? Will the criteria ensure such housing is provided in appropriate locations?

**BDC Response:**

Policy ST31 is considered to provide an effective framework to guide the provision of specialist housing over the Plan period. By requiring the provision of all market housing to comply with M4(2) of the building regulations the Council expects to secure

approximately 1973 dwellings from Local Plan site allocations by 2038 (Part 3 of the Policy). It is considered this demonstrates the effectiveness of the policy in helping to maximise one type of specialist housing delivery as a proportion of market housing developments by the end of the Plan period.

To better understand the contribution of the Local Plan to maximising specialist housing delivery, it is important Policy ST31 is read alongside site specific policies 16, 21 and 27. All make provision for specialist housing on site including extra care, sheltered housing, wheelchair accessible housing and residential care homes. Additionally, the Policy expresses the Council's support for the consideration of proposals for specialist accommodation, including through windfall development and neighbourhood planning for example. This is considered to be a fair and proportionate Local Plan response to meet the district's identified needs.

Paragraph 7.19.8 [of SUB-010] highlights that delivering specialist housing is not the responsibility of the Local Plan and the planning system alone. In partnership with a range of housing providers, the Council will continue to facilitate through the Bassetlaw Housing Strategy 2021 [BG-026] specialist housing through other routes identified by paragraph 7.19.8 [of SUB-010].

Additionally Policy ST31 provides a framework within which proposals for specialist housing and housing for older people can be considered. The Housing Needs of Different Groups PPG states that 'The location of housing is a key consideration ... Factors to consider include the proximity of sites to good public transport, local amenities, health services and town centres'. The PPG also recognises that location may vary depending on the intended resident group. As such the provisions of Part 1 are considered justified and will lead to appropriate locations being selected relevant to the housing product and the intended resident group.

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

**BDC Response:**

Modification M1.75 is proposed to enhance implementation effectiveness and is not considered necessary for soundness.

The justification for modification M1.76 was in response to representations received from Churchills Retirement Living following consultation of the publication version of the local plan, for clarification purposes and to strengthen consistency with national planning policy. Therefore it is considered these changes are justified in order to produce an effective local plan and the modifications are necessary to enhance soundness.

Modification M1.73 is proposed as a factual change, as a consequence of the extension to the plan period within the Publication Addendum January 2022 [PUB-015], to be internally consistent between policies ST31 and 27.

Modification M1.74 is proposed as a factual change to delete reference to the Bassetlaw Garden Village, as a consequence of part of the site being withdrawn by one landowner in March 2022, to be internally consistent with Policy ST1 and the remainder of the Local Plan.

- 8.4 a) Would ST32 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?

**BDC Response:**

The Council considers that the approach taken in Policy ST32 provides a robust framework within which the future accommodation needs of the Gypsy and Traveller community in the district can be met. The framework is informed by the Gypsy and Traveller Accommodation Needs Assessment (GTANA), 2019 [SS-018] and updates in 2021 [SS-022] and 2022 [SS-027], so is considered to be up to date, justified and consistent with national policy, specifically Policy B and C of the national Planning Policy for Traveller Sites 2015 (PPTS).

The evidence base (supplemented with information from the Council's Bi-Annual Caravan Count) assesses Gypsy and Traveller needs (permanent, transit and for Travelling Showpeople) in accordance with the definitions in the PPTS. As such Policy ST32 seeks to make provision for the locally evidenced PPTS ethnic need.

Paragraph 1.19 of the GTANA [SS-027] identifies the required accommodation needs for additional permanent pitches and no additional need for Travelling Show People (paragraph 1.3 [of SS-027]).

Paragraph 1.17 [of SS-027] recommends that the Council adopts a negotiated stopping place policy to deal with transient encampments; but recognises that land does not have to be identified as locations can change over time and can be determined by where encampments arise. As such, the policy is seen as a separate housing needs tool, complementary to the land use policy approach promoted by Policy ST32. The policy is expected to be in place by adoption of the Local Plan in 2023.

It is considered that Policy ST32 Part 1 also fully addresses the requirement of the PPTS (Policy B paragraph 10) by providing a clear, effective framework to provide 5 years' worth of permanent sites against a locally set target (proposed M1.78 identifies 10 years' worth of sites); as well as developable sites for the period thereafter. The LAA 2022 [BG-030] indicates that the number of pitches proposed for each is considered appropriate to the size and location of the site and the surrounding area (as per PPTS, paragraph 10).

Policy ST32 Part 1 seeks to achieve the identified need through site allocations: through the intensification and/or extension of authorised sites; and/or, by requiring current arrangements on sites owned by Gypsies and Travellers to be formalised. Informed by direct liaison with the Gypsy and Traveller community and/or the landowners through the GTANA Addendum [SS-027] this is considered to be an effective approach, in that the policy requirements are considered realistic and deliverable.

In accordance with the PPTS it is considered that Policy ST32 Part 2 sets out a fair criteria based approach against which planning applications for Gypsy and Traveller sites will be determined. The criteria accord with those in the PPTS, and are considered to clearly facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community (PPTS, Policy B, para 11).



Additionally Policy ST32 also safeguards authorised Gypsy and Traveller sites and yards from an alternative use, unless it can be demonstrated that they are no longer required to meet the district's identified need. This approach would ensure that existing and future Gypsy and Traveller sites remain as such and are not lost to alternative development.

b) Is the Bassetlaw Gypsy and Traveller Accommodation Needs Assessment and the Update 2022 up to date and robust in its identification of needs for plots and pitches?

**BDC Response:**

The Council considers the evidence base which informed Policy ST32 to be up to date; the most recent update to the GTANA, November 2019 [SS-018] being in May 2022 [SS-027]. As stated above, the identification of needs is considered to be robust, in that it is in accordance with national planning policy, was informed by discussions with the Gypsy and Traveller Community and focuses on the requirement for pitches as per the evidenced local need, rather than plots.

The GTANA Update [SS-027] supports the delivery of the Local Plan's spatial strategy, and demonstrates that the identified needs for permanent pitches can deliver 5 years' worth of sites against a locally set target (proposed M1.78 identifies 10 years' worth of sites); as well as developable sites for the period thereafter, thereby providing a clear and robust mechanism for meeting needs.

c) Have the sites allocated been selected against possible alternatives using a robust and objective process?

**BDC Response:**

The GTANA [SS-018] has been prepared in accordance with paragraph 11 of the Planning Policy for Traveller Sites 2015 (PPTS) which states that "Criteria should be set to guide land supply allocations where there is identified need".

The Council received no new land for Gypsy and Traveller accommodation during a 'call for land' for the Local Plan in 2016; as such the GTANA and its updates recommends a number of alternative ways the Council could meet its identified accommodation needs over the Plan period. These include:

- Regularisation of unauthorised developments (paragraph 1.9, GTANA [SS-027]): these add to the existing supply of land and help meet any unmet accommodation need;
- Intensification of existing sites (Paragraph 1.11, GTANA, [SS-027]): any remaining capacity on existing sites is considered to help meet the need for existing families;
- Convert transit pitches to permanent pitches (Paragraph 1.13, GTANA, [SS-027]): they contribute to meeting the permanent accommodation need.

The Council considered all the above methods appropriate for the consideration of land for Gypsy and Traveller accommodation and therefore all existing Gypsy and Traveller sites (authorised and non-authorised) across the District, along with any other alternative sites that were later made available including those identified through the Bi-Annual Caravan Count, were considered through the Land Availability Assessment, May 2022 [BG-030].

All sites were screened for their suitability to provide an understanding about the level of additional land potentially available and whether it was developable. The Council's proposed approach to each site was discussed with the landowners, which in many circumstances included members of the Gypsy and Traveller Community. If the land was considered to be available to meet identified needs and the landowner was willing to progress plans to accommodate additional capacity and/or to formalise the existing use the site was tested through the Sustainability Appraisal. The most sustainable sites were taken forward in the Local Plan. Sites that were not considered suitable, available or deliverable were discounted (as per the Housing and Economic Land Availability Assessment PPG).

This is evidenced in the Site Selection Methodology Update, May 2022 [SS-025] paragraphs 8.5 and 9.1.

As such, the Council considers this selection process to be robust, consistent with the PPTS (2015), national PPG and in accordance with the principles of sustainable development as set out in paragraph 8 of the NPPF.

d) Does the Council's approach in relation to traveller sites generally conform with the expectations of Planning Policy for Traveller Sites (August 2015)?

**BDC Response:**

The Council considers that the approach to Gypsy and Travellers sites has been produced in accordance with Planning Policy for Traveller Sites 2015 (PPTS), particularly Policy A. To ensure the approach taken by the Local Plan is robust and justified the Council has updated its evidence base in 2020 and 2022 and in response, amended Policy ST32.

As such, it is considered that Policy ST32 is in general conformity with the PPTS Policy B and Policy C.

e) Are there any omissions in the policy, and is it sufficiently flexible?

**BDC Response:**

The Council considers Policy ST32 (with modifications) to be sufficiently flexible as it seeks to address the identified needs for Gypsy and Travellers by allocating enough land to achieve a minimum 5-year supply, whilst also providing a mechanism, within Part 2 and 3 of the policy, to consider proposals that are unknown at plan-making stage for Gypsy and Travellers over the plan period.

To clarify the approach taken to meeting identified needs the Council proposes a modification to Part 1 of the policy:

1. The permanent accommodation needs of the District's Gypsy and Traveller community will be met through the provision for 42 permanent pitches by 2038, with approximately 21 permanent pitches to be delivered by 2029, by:

~~a) protecting existing authorised Gypsy and Traveller sites;~~

Add new Part 4:

4. Proposals which result in the loss of existing authorised Gypsy and Traveller sites will not be supported unless it can be demonstrated that there is no longer a need for such accommodation in the District.

f) Are suggested main modifications to the Policy and the supporting text necessary for soundness?

**BDC Response:**

The proposed modifications to M1.77-M1.80 are as a result of updated evidence within the GTANA, July 2022 [SS-022]. Therefore the proposed changes are considered necessary for soundness.

The proposed modification M1.81 is considered necessary to strengthen the implementation effectiveness of the policy.

8.5 Is the main modification suggested to policy ST33 1c) necessary for soundness?

**BDC Response:**

Modification M1.82 is proposed to be internally consistent between policies ST35 and 33. Therefore the proposed changes are considered necessary for soundness.