

**RD/FM/011**



**Information on the Proposed Modifications  
Identified in Examination Statements**

November 2016



**Information Regarding Proposed Modifications Identified in Examination Statements**

1. As part of the decision to Submit the Local Plan in March 2014 the full Council authorised the Director of Planning and New Communities to prepare and submit reports, proofs of evidence, technical papers, statements of common ground and other such documents required in the presentation of the local plan through the examination process, reflecting the Council's agreed position on these matters and to take such other steps as are conducive or incidental to the submission and examination of the local plan.
2. Council also agreed that delegated authority be given to the Director of Planning and New Communities to make further additions to the schedules of changes during the course of the examination (except where changes would be of such significance as to substantially alter the meaning of a policy or allocation) and that the exercise of this delegation be reported back to Planning Policy and Localism Portfolio Holder through the course of the examination process.
3. Part of the Local Plan Examination process involves responding to Inspectors' issues and questions, and addressing issues where there is updated information or guidance since the plan was submitted, through Matter Statements on sections of the plan. In most cases these are minor in nature, and do not significantly alter the policy position of the plan, and are therefore addresses under this delegated authority.
4. However, the need for a small number of more significant modifications was identified, and it is considered that these should be considered by members. It should be noted that at this stage in the examination process these modifications can only be put forward as recommendations to the Inspectors, for consideration as they prepare their report on the examination. If the Inspectors consider that such modifications are necessary to make the plan sound, they will be published for consultation at a later stage in the Examination process.

**Responding to the Inspectors Questions regarding Chapter 7 Delivering High Quality Homes**

**Policy H/8 Housing Mix**

5. In preparation for the Matter SC5B hearing, the Inspectors asked a question regarding Policy H/8 and its requirement for 1 in 20 market homes to meet the lifetime homes standard, querying whether it was compliant with the Written Ministerial Statement dated 25 March 2015 which requires that Councils should not set in their emerging Local Plans any requirements relating to the performance of buildings.
6. National Planning Practice Guidance at paragraphs 005 to 010 (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.

7. 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.
8. In respect of accessible and adaptable homes the Council there is insufficient needs evidence to justify that all new affordable homes should be built to Requirement M4(2) (accessible and adaptable dwellings) standard. 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 , and that the proportion of older people and those with disabilities in the district will grow up to 2031 . 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) . 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).
9. 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. Consequential amendments to paragraph 7.28 would also be necessary. These modifications are set out in Appendix A.

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

10. The Inspector sought views on whether, 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.
11. The definition of rural exception site affordable housing in the glossary of the NPPF<sup>1</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'.
12. 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

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<sup>1</sup> RD/NP/010 page 55

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>2</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. A proposed modification to part 1d) of the policy would provide this clarity.

13. An additional potential change to part 2 of the policy has been suggested in the circumstances that the Inspectors consider further changes are needed to the submitted policy. It follows the wording in the NPPF, and could address concerns whether the policy was sufficiently positive and flexible regarding the use of market housing where necessary on viability or deliverability grounds. Consequential changes to paragraph 7.38 would also be necessary. These potential modifications are set out in Appendix A.

### **Policy H/11: Residential Space Standards**

14. Policy H/11 of the South Cambridge Local Plan, as submitted in March 2014, sets a requirement for new homes to meet a residential space standard based on the Homes and Communities Agency (HCA) space standards used for affordable homes. This is to ensure that there is sufficient space, privacy and storage facilities to ensure their long term sustainability and usability. In reviewing the implications of the Written Ministerial Statements on the Council's submitted Local Plan in November 2015, the Council concluded that the policy would need to be reviewed and additional work would need to be undertaken including to assess whether there was evidence to justify a policy requiring new homes to meet the national space standard. The Council committed to feed this additional work into the examination at the appropriate stage.
15. The new national space standards are not significantly different from those proposed by the Council in Policy H/11. In summary, the new national standard includes smaller minimum gross internal floor areas for some flats (1 storey dwellings), but larger minimum gross internal floor areas for houses (2 or 3 storeys), and larger minimum bedroom sizes than those included in Policy H/11.
16. Additional evidence has now been prepared by officers, entitled Evidence for Residential Space Standards in South Cambridgeshire<sup>3</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 the Evidence Report). Figure 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

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<sup>2</sup> RD/NP/010

<sup>3</sup> Evidence for Residential Space Standards in South Cambridgeshire RD/H/810  
[https://www.scambs.gov.uk/sites/default/files/evidence\\_for\\_residential\\_space\\_standards\\_in\\_south\\_cambridgeshire.pdf](https://www.scambs.gov.uk/sites/default/files/evidence_for_residential_space_standards_in_south_cambridgeshire.pdf)

previous Homes and Communities Agency standard that has previously applied to new affordable homes (the standard set out in Policy H/11 as submitted). It is therefore considered 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.

17. Modifications therefore need to be made to Policy H/11 to update it to reflect the requirements of the national space standards. It is therefore proposed to 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, and replace with the wording identified in Appendix A.

## **Responding to the Inspectors Questions regarding Chapter 8 Promoting Successful communities**

### **Policy SC/1: Allocation for Open Space**

18. The Submitted Local Plan includes an allocation for Open Space uses on Land North of the Recreation Ground Swavesey, of 2.16 hectares. At the time of consultation on the plan this was supported by Swavesey Parish Council.
19. Subsequent to Submission of the Local Plan the Council is currently working with the Parish Council (PC) and Swavesey Village College to consider an alternative site in the southern part of the village. Planning permission was granted on appeal for 30 dwellings at 18 Boxworth End, which included the potential to deliver an area of 2.5 hectares of open space. This would be considered through the planning obligations negotiated for this development. This land is adjacent to the playing fields of the village college and would contribute towards the identified shortfall of open space. It would provide an area of open space to the southern end of the village which would be of benefit to the residents of this part of Swavesey.
20. Swavesey PC has provided supporting evidence to the Council which is contained in Supplement 1 of this appendix. The PC at its meeting held on 22 August 2016 unanimously agreed that it no longer supported the continued allocation in the Local Plan of the site identified as 'Land north of the recreation ground' within their village as the situation with regard to future open space in the village has changed since the Council last commented on this open space allocation. The land being offered to the PC as part of a S106 obligation for the new housing development at Boxworth End will provide new open space in the southern end of the village giving, in their view, a better distribution of such land in the village- not all concentrating all in one area.
21. It is therefore proposed to delete this allocation from the policy. This is reflected in the schedule in Appendix A.

### **Policy SC/5: Hospice Provision**

22. During the plan making process representations were received from the Arthur Rank Hospice stating a need for a site in the Cambridge area, and this influenced the inclusion

of a policy. Since the Local Plan was submitted for examination a site for a hospice within the district has been found and developed, at Shelford Bottom near Addenbrookes. The Hospice Charity has now withdrawn its representation to this policy.

23. In a separate representation, the Cambridge University Hospital NHS Foundation Trust has suggested amending the policy to address wider community healthcare facilities.
24. As part of the national planning for health the Cambridgeshire and Peterborough health area is currently preparing a Strategic Estates Plan which is reviewing what health facilities may be required in this wider area in the next 5 years. It is therefore an appropriate time to consider amending the policy.
25. It is recommended that it would be appropriate to widen the scope of this policy to consider wider healthcare community facilities. This is reflected in the schedule in Appendix A.

## **Supplement 1 - Statement from Swavesey Parish Council regarding openspace allocation SC/1 d**

The following statement provided by the Parish Council was included in the Council's Matter Statement SC8.

- Swavesey Parish Council at its meeting held on 22<sup>nd</sup> August 2016 unanimously agreed that it no longer supported the continued allocation of the site identified as 1(d) to the north of the recreation ground.
- This decision has been reached as the situation with regard to future open space and formal sports and recreation space in the village has changed since the Council last commented on this site. We are now in the process of considering an offer of a large field of approx. 8 acres which is to be offered to the Parish Council on a 999 year lease, as part of S106 obligations for a new housing development on land at 18 Boxworth End.
- This land, once received, will eventually be turned into formal sports and recreation space for the village and will provide new open space allocation in the southern end of the village, given a better distribution of such land in the village and not concentrating it all in one area.