

## Cotswold District Council's Response to the Examiner's Clarification Questions

09/02/24

1. Date of submission to CDC; dates of Reg 16 consultation.
  - a. **Q to STC.** Please could the date of the submission of the Stow and The Swells Neighbourhood Plan (SSNP) to CDC be confirmed?
  - b. **Q to CDC.** Please could the dates of the Regulation 16 consultation be confirmed?

### CDC:

CDC received the Neighbourhood Plan and supporting documentation on 2<sup>nd</sup> October 2023.

Regulation 16 Consultation commenced on 14<sup>th</sup> November 2023, and concluded on 5<sup>th</sup> January 2024 – the window for representations to be submitted was extended to accommodate the festive bank holidays.

2. Policy SSNP1.
  - a. **Q to CDC.** Please could CDC supply a plan showing the Stow on the Wold Settlement boundary which accords with the Cotswold District Local Plan (CDLP) and includes the “white triangle” referred to in the Regulation 16 representation, but excludes the proposed allocation under Policy SSNP7?

### CDC:

The CDC Local Plan is published at <https://www.cotswold.gov.uk/planning-and-building/planning-policy/local-plan-2011-to-2031/>. The detailed policy map for Stow (inset 12) is published at p81, and appended to this response at annex A. As noted in CDC's Regulation 16 representation, the white triangle indicated on this map now accommodates Edwardstow Court and Hawkesbury Place.

CDC's Interactive Local Plan, published at the same weblink above, plots the development boundaries against an updated base map, so could be a useful tool to see how the boundary relates to the current built up area.

### 3. Policy SSNP2

- a. **Q to CDC.** Policy SSNP2 A defines Lower Swell as a small village that is only suited to small scale residential development and Policy SSNP2 B Upper Swell as a hamlet with no local services that is not suited to small scale residential development. Does CDC consider these definitions and the use of the term “Rural Area” as opposed to “countryside” in Policy SSNP2 C generally conform with Policy DS3 of the CDLP?

#### **CDC:**

While the wording used could reasonably be considered a fair description of both settlements, our concern arises from this policy seeking to define rather than simply describe the two settlements, and thereby creating a more complex hierarchy of place than established by the Local Plan. Policy DS3 deliberately does not establish a hierarchy outside of Principal Settlements, but instead sets out the criteria that must be considered at the time of a planning determination. With this policy, the principle of contemporary judgement against criteria appears to be displaced by a presupposition that small-scale development is acceptable in Lower Swell, and not in Upper Swell.

The Council’s view is that the use of the term Rural Area, may not generally conform, and certainly risks some challenge over definitions. In general parlance, and often within public administration, the whole of Cotswold, might be referred to as a ‘rural area’. ‘Rural Area’, as used in this policy, would appear to relate the area ‘beyond’ Stow-on-the-Wold’s development boundary, and outside of the rural settlements in Swell Parish. However, without defined settlement boundaries, there is uncertainty as to where these settlements end and the ‘Rural Area’ begins. We suggest a simple solution would be to use the term ‘open countryside’.

These differences challenge CDC’s approach to managing sustainable development. While the implication would only be directly felt in the neighbourhood area, this policy would lower the bar to development outside of a principal settlement, thus undermining the distribution strategy of the Local Plan – a strategic policy.

### 4. Policy SSNP3

- a. **Q to STC.** How does the STC justify the degree of detail described in Policy SSNP3 B?
- b. **Q to CDC.** Given the objection to the detail of the policy by CDC, is CDC able to suggest an alternative form of words?

#### **CDC:**

We are very comfortable that Policy H1 of the Local Plan provides the hook to ensure that insofar as national policy and viability allows, housing developments respond appropriately to local housing needs – providing the Local Planning Authority with the teeth to seek a mix that responding to demographic data and indeed very local specifics of housing need. However, we note that other neighbourhood plans in the District have presented housing policies which have been deemed by their examiners to meet the Basic Conditions – see below the policies from Tetbury and Lechlade.

Tetbury - Policy I: Types of Housing. Housing development should, where appropriate and viable, provide for a range of dwelling types and sizes, to reflect local demand.

Lechlade - Policy H5 Dwelling Mix - on schemes of more than ten dwellings, proposals for residential development will be required to demonstrate that the mix of dwelling types and sizes is appropriate to meet the needs of current and future households in the [Neighbourhood Area]

If the examiner deems it appropriate, we would be amenable to a similar policy being put forward, that might provide confidence in the neighbourhood area that concerns are being addressed, while ensuring the necessary flexibility and negotiation space. As an additional comfort, we suggest that additional text could be added to section 5.11 to introduce the AECOM Housing Needs Assessment as the latest evidence on this matter – however in due course successor evidence may be available, so we would suggest avoiding direct reference in the policy.

## 5. Policy SSNP4

- a. **Q to CDC.** The Plan indicates (paragraph 5.17) that in 2011 17% of the housing stock were second homes. Does CDC consider this is an unusual percentage within the District? Has the Council any evidence about the proportion of second homes in other Parishes within the District?

CDC:

The Council recognises the pressure on housing supply within the neighbourhood area and the wider Cotswold area, partly due to the demand for non-principal uses such as second homes, and awaits a positive intervention on this matter, following the various consultations by central Government last year.

Due to the range of non-principal uses, and particularly because use classes and tax mechanisms have not kept pace with trends such as AirBnB, there is a paucity of robust and comprehensive data.

Our Council Tax department collates data on second homes. This shows a lower baseline than indicated by the 2011 Census Data quoted by AECOM, perhaps attributable to a different methodology. However, it provides a time series, shared in our representation, and comparative data across the district, allowing ranking by parish – please see Annex B.

In 2023, the number of second homes in Stow was recorded as 71, against a total property count of 1282, 5.54% vs a median for the district of 4.79%. This ranks Stow at position 46 out of 114 parishes, and in the second quartile. Swell ranks higher, at 25 properties from a total property count of 234, 10.68%, and within the top quartile for the district. Combined both parishes gives a rate of 6.33%, towards the top of the second quartile. The rate in the district ranges from 21.81% to 0.52%

Our view would be therefore that the prevailing rates in the neighbourhood area, although higher than the district average, are not unusual for the district.

- b. **Q to STC.** Does the STC have any comments about the difficulties of enforcement of the policy through development management and the ways to circumvent the aims of the policy raised by CDC (another example being that a resident householder of Stow might acquire a newly built house with a Principal Residence occupancy condition and then either sell or let their current house without the condition, thereby creating a second home)?

## 6. Policy SSNP5

- a. **Q to STC.** Policy SSNP5 considers specialist accommodation for older people and states that they will not be permitted unless they are of small scale and deliver no more than a total of 40 units and/or dwellings of this type over the Plan period. What is the justification for a limit of 40 units?
- b. **Q to CDC.** How should “local connection” be defined? Should this be applied to Policy SSNP5 and also to the qualification for affordable dwellings in Policy SSNP3 A?

CDC:

We would suggest the definition provided by Homeseeker Plus, the Gloucestershire-wide choice-based lettings portal.

<https://www.homeseekerplus.co.uk/choice/uploads/NEW%20Homeseeker%20Policy%20March%20202022.pdf>.

This definition is used by the district council and local registered providers, so will apply to existing properties requiring local connections, and well as new development. We would strongly endorse using this ‘live’ definition, to ensure ongoing compliance with best practice and emerging legal requirements (such, as but not limited to recognition of Armed Forces Communities, as per the Armed Forces Act 2022).

Noting our reservations about the current proposals of SSNP3 and SSNP5, we endorse this definition being used.

## 7. Policy SSNP7

- a. **Q to STC.** The allocation for development, including 170 houses on land northeast of Stow, includes a housing scheme for approximately 70 affordable homes. Given the recent planning permission (23/01513/FUL) on land north of Oddington Road for 37 affordable houses, what is the justification for exceeding the NP Housing Needs Assessment and does this still contribute to the exceptional circumstances required to permit major development in the National Landscape (formerly referred to as AONB)?
- b. **Q to STC.** What are the proposals to deal with sewage from the allocation? Does the sewerage have the capacity to accept it? What are the proposals to avoid flooding on adjoining land which could be caused by the development?
- c. **Q to STC.** What is the justification for a new community hub as proposed in the allocation, given the references in Regulation 16 representations to the spare capacity for various community uses within Stow?
- d. **Q to STC.** What is the evidence of the need for additional retail or office uses outside Stow town centre?

## 8. Policy SSNP8

- a. **Q to CDC.** CDC comments that the allocation in Policy SSNP7, including car parking should be deleted? If so, what are the views of CDC on parking in Market Square? Should the aim be to reduce car parking in Market Square and, if so, where would it be relocated?

### **CDC:**

CDC notes a financial interest in this matter, as the owner and operator of the Pay and Display Car Park at Mangersbury Road, Stow on the Wold.

CDC has raised a number of concerns relating to the proposed site allocation in SSNP7, including concerns about the vehicular and pedestrian access to and from the site.

In terms of SSNP7 (G), we believe the aim should perhaps be to better manage the parking on Market Square.

A change in approach to parking in the Marketplace could increase turnover of spaces, increasing short-term visits while freeing up space to enhance the marketplace. At the same time, public transport and active transport access could be improved. Such changes could enhance viability, and would align with CDC's Corporate ambitions, and the focus of the Local Plan update to tackle climate change and the ecological emergency.

However, without provision of additional space to decant parking demand, there is a legitimate question over the impact of part G of SSNP8. A reduction in total parking capacity could well reduce footfall and thus impact on economic vitality. We note that within the proposed policy any redesign and/or loss of spaces is balanced against the requirement not to undermine commercial viability, although the policy is unclear on how this should be assessed.

CDC notes a redesign of the layout of the marketplace, whether to reduce the number of spaces or indeed to increase turnover of spaces and reduce long term parking will principally be an issue for the highway authority to review, authorise and implement. While indisputably an issue of local interest, it perhaps sits better within a neighbourhood plan as a local project or community action than as policy.

## 9. Policy SSNP11

- a. **Q to STC and CDC.** When the SSNP is made (adopted), the Stow Design Code will be part of the development plan to sit alongside the Cotswold Design Code which is being reviewed as part of the CDLP Review. Given the comments of CDC in the Regulation 16 consultation, it seems to me that the details of the Design Codes need to be compatible so that whether the CDLP Review is adopted before the SSNP is made, or vice versa, confusion is minimised. Therefore, to avoid excessive detail in the examination which is only aimed at determining whether the Plan meets the Basic Conditions, I may recommend in the report that STC and CDC confer in order to agree the Stow Design Code. Please could both Councils comment on this suggestion?

### **CDC:**

Our preference would be for the Design Code to form a full part of the examination.

The trajectory for the CDLP review is for submission to PINS next summer, with examination to follow. As we are currently out of Regulation 18 consultation, communities can have a degree of confidence in the direction of travel, but we're keen that neighbourhood plans, and design guides and codes within, can progress, and achieve policy weight in the meantime, without emerging policy considerations putting a brake on their progress.

CDC observes that while design can be a matter of detail, the strictures neighbourhood plans sometimes seek to place of design can undermine strategic objectives, such as transition to greener technologies or conservation of heritage assets. On these two issues we recognise a commonality of purpose with the Stow and the Swells Neighbourhood Plan, which includes separate policies on these two issues, but we have observed that the focus on the architectural within the design guide may undermine the Neighbourhood Plan's own 'green' ambitions. We are happy to confer on the Stow Design Guide, but if the examiner is not to arbitrate on any areas of difference, ultimately the Design Code will need to satisfy the District Council.

## 10. Policy SSNPI 3

- a. **Q to CDC.** SSNPI 3 A. The District Council does not believe that this policy should apply to all development. To which development should it apply?

'Development proposals' covers the full scope of issues and proposals which may require development consent, from change of use, to minor works on properties where permitted development rights are limited - noting the scale of the conservation areas and number of listed buildings in the neighbourhood area. The drafting of clause A draws in these forms of development, albeit the subsequent clauses rather suggest such forms of development are not really the target for action. We would suggest 'All new buildings'.

- b. **Q to CDC.** SSNPI 3 B. Does CDC have any comments on the proposed new regulatory regime of enforcement as described in paragraph 5.52 of the SSNP. Would a planning condition as described in Clause B and in Appendix D (paragraph 7) of the Plan be reasonable?

### **CDC:**

The policy and supporting Appendix D are clear and instructive. Although the policy does increase the post-application resource it is, as the plan states, consistent with the Council's corporate aims. We welcome the suggested wording of a new planning condition from STC.

- c. **Q to CDC.** Is the degree of detail sought by Clauses B, C and D more appropriate to be dealt with under the Building Regulations?

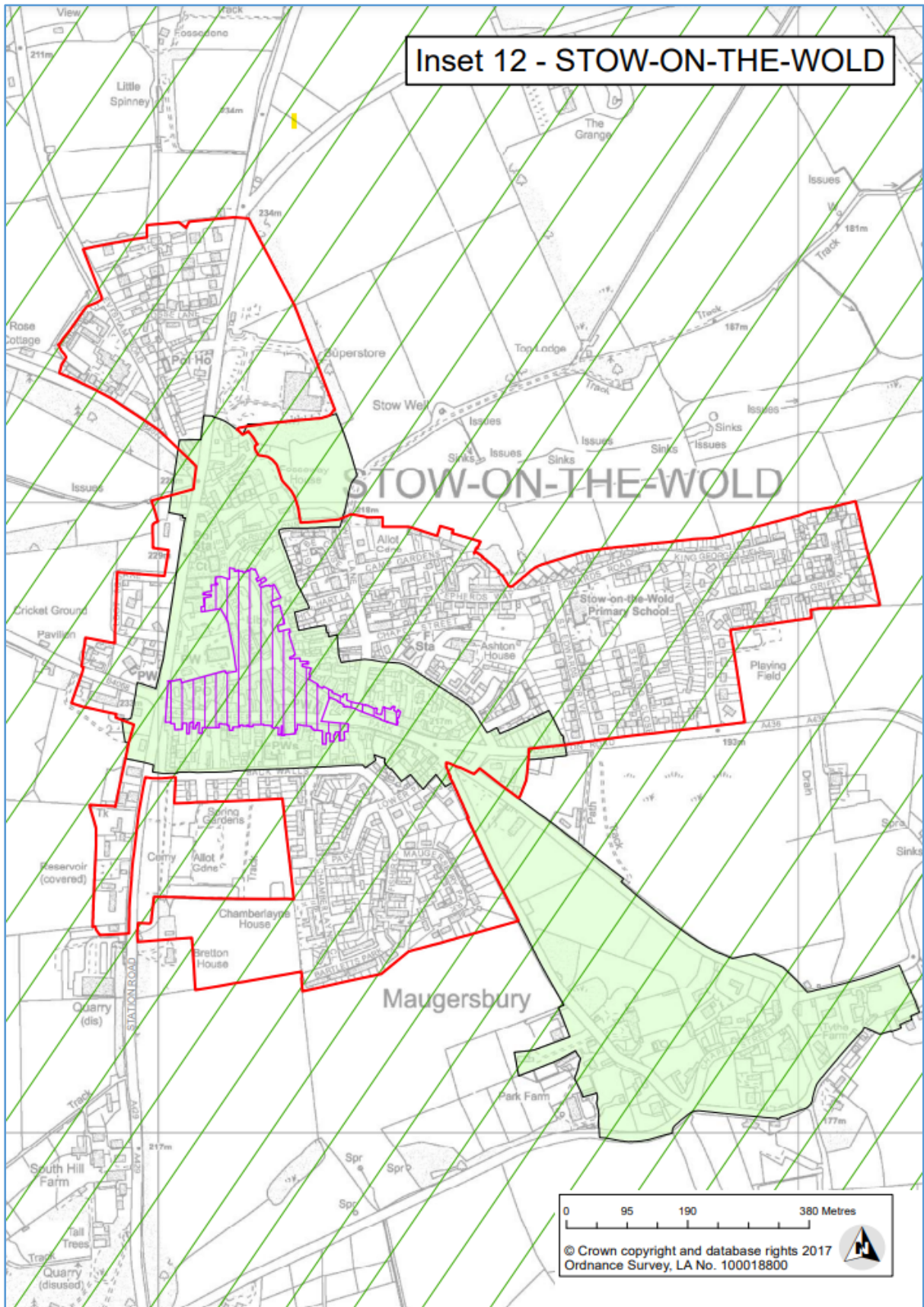
### **CDC:**

Building Regulations do not go far enough in pushing the higher environmental standards that will be required in the UK to meet our international obligations on climate change and CO2 reduction. Cotswold District Council puts climate change at the heart of its corporate objectives and is currently carrying out a Regulation 18 consultation on its Local Plan to make it green to the core. In that context, we support the Plan's ambition to 'push' standards - and potentially availing itself of the extra flexibility offered by the Basic Conditions. The high prices property commands within Cotswold District help to maintain the viability of such requirements. A version of this policy has been found to meet the Basic Conditions in other examinations, such as Cassington NDP, in West Oxfordshire.

However, we note that the Written Ministerial Statement of 13<sup>th</sup> December 2023 defines a more limited operating space for planning policy in defining energy standards. We are taking advice on this matter from our Energy policy specialist consultants and will share this in due course.

We observe that the second part of clause 'c' is clearly planning policy rather than building standards, a point we raised some concern over, given the potential this clause creates for enabling environmentally high-performance development proposals to potentially undermine local character.

Annex A







## Annex B. Second Homes data, from Council Tax records

<b>Parish</b>	<b><u>2nd Homes</u></b>	<b><u>All property</u></b>	<b><u>Percentage</u></b>
Somerford Keynes	94	431	21.81%
Maugersbury	18	92	19.57%
Winson	8	46	17.39%
Oddington	36	232	15.52%
Hampnett	5	33	15.15%
Coln St. Dennis	16	108	14.81%
Icomb	10	68	14.71%
Lower	18	131	13.74%
Naunton	26	191	13.61%
Upper Slaughter	14	112	12.50%
Evenlode	11	96	11.46%
Windrush	11	96	11.46%
Farmington	8	70	11.43%
Sherborne	19	174	10.92%
Swell	25	234	10.68%
Ampney St. Peter	5	47	10.64%
Donnington	5	50	10.00%
Eastleach	16	164	9.76%
Cherington	7	75	9.33%
Adlestrop	6	65	9.23%
Blockley	98	1090	8.99%
Little Rissington	13	149	8.72%
Hatherop	7	81	8.64%
South Cerney	154	1913	8.05%
Dowdeswell	5	64	7.81%
Compton Abdale	5	66	7.58%
Barrington	8	109	7.34%
Ampney St. Mary	4	55	7.27%
Longborough	19	266	7.14%
Turkdean	3	43	6.98%
Bibury	23	335	6.87%
Sevenhampton	13	190	6.84%
Barnsley	5	75	6.67%
Duntisbourne Abbots	8	120	6.67%
Notgrove	3	46	6.52%
Tetbury Upton	11	173	6.36%
Cold Aston	8	127	6.30%
Great Rissington	11	181	6.08%
Cutsdean	2	33	6.06%
Bagendon	8	135	5.93%
Wyck Rissington	4	68	5.88%
Aldsworth	7	120	5.83%
Ebrington	19	328	5.79%
Southrop	8	139	5.76%
Broadwell	11	194	5.67%
Stow-On-The-Wold	71	1282	5.54%
Westonbirt & Lasborough	5	91	5.49%
Edgeworth	3	55	5.45%
Chipping Campden	74	1361	5.44%
Guiting Power	9	167	5.39%
Temple Guiting	10	187	5.35%
Bledington	12	238	5.04%

Quenington	13	262	4.96%
Elkstone	5	104	4.81%
Poulton	10	208	4.81%
Daglingworth	6	125	4.80%
Bourton-On-The-Hill	8	167	4.79%
Weston	10	209	4.78%
Saintbury	2	43	4.65%
Westcote	5	109	4.59%
Withington	11	245	4.49%
Chedworth	17	379	4.49%
Rendcomb	5	113	4.42%
Hazleton	4	93	4.30%
Baunton	4	96	4.17%
Coberley	6	153	3.92%
Shipton Moyne	6	156	3.85%
Cowley	2	54	3.70%
Ampney Crucis	11	304	3.62%
Lechlade	60	1710	3.51%
Shipton	6	173	3.47%
Aston Subedge	1	31	3.23%
Avening	16	504	3.17%
Kingscote	4	132	3.03%
Condicote	2	68	2.94%
Coates	6	208	2.88%
Beverston	2	70	2.86%
Duntisbourne Rouse	1	37	2.70%
Northleach &	21	902	2.33%
Brimpsfield	3	129	2.33%
Sezincote	1	43	2.33%
Moreton-In-Marsh	60	2621	2.29%
Bourton-On-The-Water	46	2029	2.27%
Todenham	3	140	2.14%
Long Newton	2	100	2.00%
Andoversford	7	362	1.93%
Batsford	1	53	1.89%
Clapton-On-The-Hill	1	53	1.89%
Yanworth	1	53	1.89%
Boxwell With Leighterton	2	107	1.87%
Meysey Hampton	5	280	1.79%
Ashley	1	60	1.67%
Driffield	1	61	1.64%
Whittington	1	61	1.64%
Mickleton	17	1054	1.61%
Tetbury	51	3270	1.56%
Colesbourne	1	74	1.35%
Kemble	6	532	1.13%
Cirencester	100	9853	1.01%
Coln St. Aldwyns	18	140	1.00%
Sapperton	2	200	1.00%
Upper Rissington	8	806	0.99%
Winstone	1	106	0.94%
Willersey	4	492	0.81%
Down Ampney	2	257	0.78%
North Cerney	2	258	0.78%
Birdlip	1	132	0.76%

Fairford	14	1912	0.73%
Siddington	5	737	0.68%
Rodmarton	1	174	0.57%
Preston	1	175	0.57%
Didmarton	1	188	0.53%
Kempsford	3	582	0.52%
<b>Total</b>	<b><u>1616</u></b>	<b><u>45745</u></b>	<b>3.53%</b>
		Median	4.79%
		mean	5.53%
<b>Stow and Swells</b>	96	1516	6.33%