

Internal consultation response

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Site Location: Park Farm, Thornbury
Application Number: PT18/6450/O
Consultation response from: Stacy Sheppard, Self-build Officer

Recommendation: Objection on the basis that the application contains no self / custom-build plots. The applicant is requested to consider the following requirements.

Short description of site and location (if applicable to the recommendation):

Outline planning permission for mixed use development comprising of up to 630 and Community Hub and retail space.

Policy

The NPPF (para 50) requires LPAs to plan for a mix of housing including 'people wishing to build their own homes'.

The Self-build and Custom Housebuilding Act 2015 placed a duty on local authorities to keep a register of individuals (and associations of individuals) who wish to acquire serviced plots of land to bring forward Self-build and custom housebuilding projects, to publicise that register and to have regard to it when carrying out planning and housing functions. South Gloucestershire Council have kept a register since the 1st April 2016, as of the 30th October 2018 the total number of entries on the register was 698. Further information can be found on the Council's [self-build and custom housebuilding web page](#).

The Housing and Planning Act 2016 (Section 9, (1)) defines Self-build and Custom Housebuilding as "the building or completion by -

1. individuals
2. associations of individuals, or
3. persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals.

It does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person”.

Self and custom build housing can range from an individual constructing the property themselves to the individual simply acquiring the plot and selecting a customised product from a range of types which is then constructed by the custom home provider.

The Housing and Planning Act 2016 defines a serviced plot of land as a plot that –

- a) has access to a public highway and has connections for electricity, water and waste water, or
- b) can be provided with those things in specified circumstances or within a specified period

The Policies Sites and Places (PSP Plan) was adopted on 8th November 2017 and forms part of the South Gloucestershire Development Plan. The PSP Plan contains detailed planning policies to manage new development, allocate and safeguard sites for various types of development and includes Policy PSP42 – Self and Custom Housebuilding.

Comments:

Plots for self and custom housebuilding are required to be sold for the purposes of self and custom building.

Quantum

PSP42 (part 4): 5% of 630 dwellings equates to 32 serviced plots (that meet the definition of self-build and custom housebuilding plots within the Housing and Planning Act 2016) for sale to self and custom housebuilders.

PSP42 (part 5): Should the Council agree that the site is unviable to provide policy compliant S106 affordable housing contributions, the council will require the developer to investigate whether it is viable to provide additional custom build plots.

Delivery and phasing

The applicant will be required to enter into a condition and / or S106 agreement that agrees the number of plots, the general location / phase and timing of delivery. A self-build phasing plan will be required showing the location of the self-build plots and any access works to be approved by the Council prior to commencement. The phasing plan should show each plot for self and custom housebuilding and any access works to be each phased separately via the self-build phasing plan. See informative below for more information.

Plots for self and custom housebuilding to be serviced and in a remediated condition in line with agreed triggers within the S.106 Agreement.

We recommend that plots are carefully selected to ensure they can be serviced in an agreed specified period in the construction programme and are attractive to prospective self and custom housebuilders. It will thus be expected that plots and any 'shell homes' will be offered ahead of the developer standard product.

PSP42 (paragraph 8.58) – Delivery Statements. Applications which contain plots for self or custom housebuilding should be accompanied by a delivery statement which sets out the programme for delivering the self/custom build plots to a serviced and remediated condition including details of access, servicing, infrastructure, subdivision and boundary treatment and how the delivery of plots will meet the definition of self-build and custom housebuilding and the definition of serviced plots (The Housing and Planning Act 2016 (section 9, (1))).

Design

PSP42 (part 9): It is expected that custom build dwellings should not exceed 108sqm (gross internal floor space).

The initial occupier of any self or custom housebuilding dwelling shall have primary input into that dwellings final design and layout.

Design code

This application seeks outline permission and it is expected that custom-build plots will be brought forward by way of full details (reserved matters) for individual plots. Due to the site size and phasing the Council require that prior to site or phase commencement (as appropriate) a Design Code or brief will be approved for the self/custom-build element by way of condition to agree as a minimum the subdivision of plots, building line, scale and boundary treatments. The Design Code should set out design parameters for self and custom housebuilding and should not be overly prescriptive allowing for design variation, creativity and innovation.

Plot passports are simple summaries of the design parameters for each plot capturing relevant information from the Design Code, planning permission and Delivery Statement. They act as a key reference point for prospective purchasers and form part of the marketing material available for each custom build plot to help private homebuilders to understand what they can build on a plot. Plot passports are required for approval before commencement of those phases which include plots for private homebuilding.

Marketing

Self and custom housebuilding plots and shell homes are to be marketed at open market value. Any plots which remain unsold following the first marketing period

shall be made available as either self / custom housebuilding plots or as shell homes during the second marketing period.

A strategy for the marketing of the custom-build plots is required before commencement of any phase which includes custom-build plots and should set out how plots will be marketed to eligible purchasers, use of plot passports, the method for valuing plots, the proposed terms and conditions of the sale and the use of a reputable and experienced estate agent.

No more than 30% of the market dwellings shall be occupied until all the self/custom-build plots are provided as serviced plots and are being marketed appropriately.

Principle access road and communal areas

The Council will also require the principle access road and communal areas serving self-build and custom build plots to be delivered to adoptable standards by an agreed trigger, during the build out of the site or phase as appropriate.

Summary of comments and recommendation (to be used in the case officer report):

Self-build and custom housebuilding is sought in line with national Planning Policy Guidance: Planning Obligations and other requirements under Policy PSP42 of the Council's adopted Policies Sites and Places Plan (PSP).

This application generates a self and custom housebuilding requirement of 32 serviced plots to be provided on site and in line with the principles / heads of terms as set out above.

- A self-build phasing plan and a Design Code is required to be conditioned as part of the Outline application
- A delivery statement is required from the developer setting out self-build delivery under PSP42
- A marketing strategy is required before commencement of any self-build phase
- Plot passports are required as part of the marketing of each self-build plot
- Confirmation of principle access road for the self-build plots

Recommendation: Applicant to provide information in accordance with comments above.

We welcome discussion with the applicant

Recommended conditions with reasons & informatives:

- The self-build phasing plan must be referenced in the outline permission to ensure CIL is not inadvertently triggered across the whole self-build element of the scheme due to commencement elsewhere on the site.

- A Design Code is required to be conditioned as part of the outline application to ensure standards of design.

Community Infrastructure Levy (CIL)

The Government has set out legislation that exempts self-build homes from the Community Infrastructure Levy (CIL). In order to benefit from this exemption, self-builders must provide a self-build exemption claim (prior to commencement of development) and additional supporting evidence within 6 months of completion of the dwelling. It is vital that work is not begun on site before self-builders submit the appropriate forms and obtain notice from the Council which confirms their exemption. All the forms are available from the [Planning Portal](#).

In order for self-builders on sites of more than one self-build plot to benefit from the CIL exemption, phasing must be mentioned in the planning permission as a condition. This is because CIL regulations require this to allow self-builders to take advantage of the phasing provisions in the regulations, where each self-build plot will need to be identified as an individual phase. If the planning permission is not individually phased by plot then the commencement of the development will trigger CIL attributable to the whole development precluding any subsequent housebuilders from applying for CIL relief. The outline application should show each plot and any access works to be phased separately via a phasing plan.

Refusal reasons with policy justification:

N/A

Recommended S106 contributions with justification against the CIL tests (*if applicable*):

- Necessary to make the development acceptable in planning terms*
The self-build contribution sought through the Section 106 Agreement is necessary for the proposed development to comply with the provisions of Policy PSP42 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017.
- Directly related to the development*
The proposed development includes new housing development which is of a scale (over 100 dwellings) to trigger a self-build requirement under Policy PSP42 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017 and therefore the obligation is directly related to the development. South Gloucestershire Council are required under the Self-build and Custom Housebuilding Act 2015 to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area where demand exceeds the plots available to Self-builders in South Gloucestershire Council.
- Fairly and reasonably related in scale and kind to the development*
The self-build plot percentage requirements (criteria 4 of PSP42) were tested at public inquiry and accepted by an inspector as reasonable. They are also becoming a recognised policy mechanism to assist potential self-builders with access to land nationally. The Council's self-build register

gives a picture of demonstrated demand within the authority. The evidence base for the PSP42 Self and Custom Housebuilding Policy was taken from demand analysis on the register and an analysis of sites of over 100 units.