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Dear Kerry Trueman,

**SOUTH LAKELAND LOCAL PLAN DEVELOPMENT MANAGEMENT POLICIES:
INSPECTOR'S MATTERS, ISSUES AND QUESTIONS**

Thank you for consulting with the Home Builders Federation on the South Lakeland Local Plan Development Management Policies.

The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.

We would like to submit the following comments on selected questions posed within the Inspector's Matters, Issues and Questions.

Yours sincerely,



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Issue 2h: Policy DM8 – High Speed Broadband for New Developments

Q.23 Having regard to Part R of the Building Regulations, is the policy justified for expecting provision of Fibre to the Premises infrastructure in residential sites of 30 dwellings or more?

- 2h.1 Government has made clear its intentions in a number of documents such as set out in Fixing the Foundations, the Housing Standards Review, planning practice guidance and the Written Ministerial Statement of 2015 that they are looking to reduce red tape associated with planning. The Written Ministerial Statement is clear that local planning authorities should not set in their emerging Local plan any additional local technical standards or requirements relating the construction, internal layout or performance of new dwellings, as these issues will be dealt with more appropriately by Building Regulations.
- 2h.2 Part R of the Building Regulations clearly sets the appropriate standards for high speed electronic communication networks. It is not considered appropriate for South Lakeland to seek additional local technical standards over and above this requirement.
- 2h.3 The HBF generally consider that digital infrastructure is an important part of integrated development within an area. However, the inclusion of digital infrastructure such as high-speed broadband and fibre is not within the direct control of the development industry, and as such it is considered that this policy could create deliverability issues for development and developers. Service providers are the only ones who can confirm access to infrastructure. Whilst, paragraphs 43 to 46 of the NPPF establishes that local planning authorities should seek support the expansion of electronic communications networks it does not seek to prevent development that does not have access to such networks. The house building industry is fully aware of the benefits of having their homes connected to super-fast broadband and what their customers will demand.
- 2h.4 The HBF consider that in seeking to provide broadband and fibre to homes the Council should work proactively with telecommunications providers to extend provision and not rely on the development industry to provide for such infrastructure. Whilst the requirements of the policy in relation to a Broadband Statement setting out the current connectivity of the site and the potential for future provision, may seem reasonable the Council should be aware that some providers are no longer able to provide Connectivity Statements which may limit the information available to applicants and may again cause delay and limit deliverability.
- 2h.5 The HBF continue to propose that the policy is modified as set out below, this would make it much clearer that the Council re only expecting developers to undertake actions that are reasonably within their control:
- *'Proposals for new residential (sites of 2 dwellings or more) and commercial development must demonstrate **engagement with infrastructure providers and show** how they will **work with infrastructure providers to provide future occupiers with ~~sufficient~~ broadband connectivity, **where feasible**.***

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- ~~'and be accompanied by a 'Broadband Statement' which explains the current internet connectivity in the site's locality and the potential for the site to be provided with high speed broadband; and'~~
- ~~'make provision for new premises to be provided with high speed (superfast) broadband, or if this is not feasible at the time of the application, undertake all reasonable actions to enable a superfast connection at a future date.'~~
- ~~'For residential sites of 30 units or more, developers will be expected to ensure that Fibre to the Premises (FTTP) infrastructure is provided.'~~

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Issue 2k: Policy DM11 – Accessible and Adaptable Homes

Q.26 Is Policy DM11 justified and consistent with national policy in applying M4(3) standards to market housing and M4(2) standards to all new homes?

Q.27 Is the requirement for a fee for reviewing a viability document justified in a land use planning policy and necessary to make development acceptable in planning terms?

2k.1 The National Planning Practice Guidance (NPPG) states that where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and / or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body. This is to ensure that all parties have the clarity and certainty of knowing which standards they have to deal with and can factor these into their plans. For developers, this ensures that the design and procurement complications that previously arose from a series of different standards in different areas are avoided. It was recognised that it was not appropriate to apply Category 2 or 3 standards to all new homes as not all people who buy or move in to new homes need or wish to have such provision. Category 2 and 3 standards were therefore made “optional” with the position being that the case for requiring such standards in future new homes should be made through the adoption of local plan policies that have properly assessed the level of requirement for these standards in the local area, also taking into account other relevant factors including the impact on project viability.

2k.2 PPG (ID 56-07) identifies the type of evidence required to introduce such a policy, including the likely future need; the size, location, type and quality of dwellings needed; the accessibility and adaptability of the existing stock; how the needs vary across different housing tenures; and the overall viability.

2k.3 The Optional Housing Standards Evidence Paper (August 2017), provides the Council’s evidence base for this policy. It provides data on the population’s age structure, general information on the accessibility of the national housing stock and assumptions about what that means for South Lakeland.

Likely Future Need

2k.4 The Optional Housing Standards Evidence Paper highlights that South Lakeland has an older population profile than Cumbria, the NW region and England; that the median age of residents is in the top 3% in the country. The paper highlights that the prevalence of disability rises with age and uses POPPI and PANSI to source information on the numbers of people predicted to have limiting long term illness. However, figure 8 also identifies that South Lakeland generally has a lower proportion of people with long-term health problems or disability than in Cumbria, the North West and England, across all age categories including those aged 65 and over.

2k.5 Whilst the HBF does not dispute the ageing population, it is not clear how this ageing population and potential future need reflects in the need for all new homes to be provided at M4(2) standards. If it had been the Government’s intention that generic

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statements identifying an ageing population justified adoption of the accessible & adaptable homes standards then the logical solution would have been to incorporate the M4(2) as mandatory via the Building Regulations which the Government has not done. The optional higher M4(2) standard should only be introduced on a “need to have” rather than a “nice to have” basis. Although there is evidence of an ageing population having regard to the PPG this does not amount to the justification required for the Council to include the optional standard on all of new dwellings as specified in Policy DM11.

- 2k.6 The paper goes on to assume an unmet need of 3.5 wheelchair adapted dwellings per 1,000 households and 3% wheelchair accessibility need based on estimations within the Mind the Step report. Again, the Mind the Step report is an England wide report, and again it could be queried why if this justification is sufficient Government had not introduced the standard as mandatory through the Building Regulation requirements.

Size, location, type and quality of dwellings needed

- 2k.7 Figure 10, taken from the SHMA shows the housing options that older people have stated they would consider in the following five-years. It identifies that most would look to continue living within their current home with additional support (79.2%). Subsequent choices of buying a property, renting sheltered accommodation and buying sheltered accommodation are all clustered around 18%. Again, it is not clear how this is related to the requirement for all dwellings to need to be built to M4(2) standards. If anything this shows that in the short term there will be a need for adaptations to the existing stock and that consideration will need to be given to the opportunities for sheltered accommodation in both the market and rental sectors.
- 2k.8 No further information is provided in relation to the size, location, type and quality of dwellings needed based on future demand. The HBF may have expected to see information in relation to the proportion of people that may need an accessible home from the social rented tenure for example, or in relation to the how the need is consistent across the Borough rather than in particular locations, whether there were any sizes or types of homes that were of particular need for example will it be single people, older couples or will it be family homes with facilities for older or disabled members.

The accessibility and adaptability of existing housing stock

- 2k.9 The English Housing Survey has been used to consider the existing stock, whilst this provides useful insight it does not highlight the specific reasoning for South Lakeland to require all new housing to meet the additional accessible and adaptable housing standards. Whilst it does highlight the high level of pre-1919 dwellings in the Borough, it also highlights that the proportion of properties built post 1993 is similar to that found across Cumbria, North West and England. It also highlights that 18% of the total housing stock across the Borough are bungalows.
- 2k.10 The HBF does not consider that it provides sufficient justification for the need for all new dwellings to meet the requirements of M4(2) Accessible and Adaptable dwellings.

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Overall Impact on Viability

2k.11 The Viability Study suggests that the additional costs of these M4(2) and M4(3) dwellings would be viable. The HBF consider that providing for genuine accessibility requirements needs to be balanced against other requirements from building standards, the wider aspirations of consumers for their homes (including affordability) and the other contributions which are sought from new housing towards community benefit. The Council will need to be mindful that it is unrealistic to negotiate every site on a one by one basis because the base-line aspiration of a policy or combination of policies is set too high as this will jeopardise future housing delivery.

Clarity of the Policy

2k.12 The HBF appreciate the clarity provided in the Council's response that the 5% requirement only relates to M4(3) part 2(a) adaptable homes rather than a need for wheelchair accessible homes, although it is still not clear where this proportion has been derived from.

Conclusion

2k.13 The HBF is supportive of providing homes for older and disabled persons. However, as currently set out this policy requires all new homes to meet the optional Building Regulations for adaptable and accessible standard (M4(2)). The HBF do not agree with the Council that this evidence suggest that all dwellings should be built to M4(2) standards, however, there may be a case based on the evidence provided that a proportion of dwellings could be provided to this standard.

2k.14 Additionally, the policy requires a proportion of wheelchair adaptable homes (M4(3)) on large development sites in suitable locations, 5% of dwellings on sites of over 40, although this level will be applied flexibly. Again, the HBF would query whether the evidence is there to justify this policy and the proportion required.

2k.15 The HBF continue to propose that the policy is modified as follows:

- ~~'New homes must be~~ **The Council will support the provision of dwellings that are designed and constructed in a way that enables them to be adapted to meet the changing needs of their occupants over their lifetime. The Council will require all new homes to meet the optional Building Regulations Requirement M4(2): Category 2— Accessible and Adaptable Dwellings.'**
- ~~'The Council will only consider exemptions to these requirements where the applicant can provide evidence to robustly demonstrate that any of the following specific circumstances apply: 1. it is not practically achievable given the physical characteristics of the site, or 2. it would significantly harm the financial viability of the scheme.'~~
- ~~'Additionally the Council will also require a proportion of wheelchair adaptable homes (Category M4(3)) on large development sites in suitable locations. Current evidence supports a requirement for 5% of dwellings on sites of over 40 units to be wheelchair adaptable dwellings. If evidence at the time of a planning application indicates a different level of need then this element of the policy will be applied flexibly.'~~