

Darlington Local Plan
Town Hall
Darlington
DL1 5QT

SENT BY EMAIL
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02/08/2018

Dear Sir / Madam,

DARLINGTON BOROUGH DRAFT LOCAL PLAN: CONSULTATION DRAFT

Thank you for consulting with the Home Builders Federation on the Darlington Draft Local Plan.

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.

The HBF notes the stages of consultation diagram and appreciates the tight timescales that the Council will be working to, to achieve a submission consultation document in November 2018. The HBF have tried to keep their comments short and to the point to assist in this speedy preparation.

Specific Aims and Objectives

The HBF is generally supportive of having a specific aim to meet housing needs and aspirations of those living and working in the borough. The HBF also generally support the objective to achieve and maintain a five-year supply of housing land, and to have a portfolio of sites.

Policy H1: Housing Requirement

The MHCLG methodology identifies an indicative housing figure of 177 dwellings each year as the minimum starting point for Darlington. The HBF are supportive of Darlington's decision to utilise a figure over and above this level to help support sustainable development, to boost housing supply and to support the economic prosperity of the area.

The housing requirement could be a little confusing as it appears to provide two housing requirement figures one as a minimum requirement and one as a local plan

target. The policy states that housing will be delivered to meet a minimum requirement of 422 net additional dwellings per annum over the plan period from 2016 to 2036. This results in a total net minimum requirement of 8,440 dwellings. The Local Planning Authority also has a Local Plan housing target of 492 net additional dwellings per annum over the plan period from 2016 to 2036. This results in a total net target of 9,840 dwellings over the plan period.

The SHMA Update 2017 identifies an OAN of 492 dwellings each year, this includes consideration of the demographic baseline, market signals, economic growth and the need for C2 accommodation. The HBF would therefore recommend that the Council amend the housing requirement just to reflect the OAN rather than introducing a second lower figure. This is in line with paragraph 16 of the NPPF (2018) which states that plans should *'contain policies that are clearly written and unambiguous'*.

Policy H1 goes on to state that *'at any point in the Local Plan period where there is no longer a demonstrable supply of sites to fully meet the five-year land requirement, sustainable housing sites that would both make a positive contribution to the five-year supply of housing land and be well related to the development limits of the main urban area or service villages (as defined in policy SH 1) will be supported. Such proposals should comprise of sustainable development and be consistent with relevant national and Local Plan policies'*. Whilst the HBF support the need to take action where there is not a five-year housing land supply, the solution proposed within this policy does not necessarily seem appropriate. The HBF would expect that regardless of supply the Council would be accepting of sites that are sustainable, consistent with relevant national and Local Plan policies and make a contribution to the five-year supply. Therefore, the HBF would look for the Council to be taking a more pro-active approach if there a period where there is no longer a demonstrable five-year supply of sites.

Policy H2: Housing Allocations

The HBF does not wish to comment upon the acceptability or otherwise of individual sites. It is, however, important that all the sites contained within the plan are deliverable over the plan period and planned to an appropriate strategy. The HBF would expect the spatial distribution of sites to follow a logical hierarchy, provide an appropriate development pattern and support sustainable development within all market areas.

The Council's assumptions on sites in relation to delivery and capacity should be realistic based on evidence supported by the parties responsible for housing delivery and sense checked by the Council based on local knowledge and historical empirical data.

It is important that the plan should seek not only to provide sufficient development opportunities to meet the housing requirement but also to provide a buffer over and above this requirement. The reasons for the inclusion of such a buffer are two-fold. Firstly, the NPPF is clear that plans should be positively prepared, aspirational and significantly boost housing supply. In this regard the housing requirements set within the plan should be viewed as a minimum requirement, this interpretation is consistent with numerous inspectors' decisions following local plan examination. Therefore, if

the plan is to achieve its housing requirement as a minimum, it stands to reason that additional sites are required to enable the plan requirements to be surpassed. Secondly, to provide flexibility. A buffer of sites will therefore provide greater opportunities for the plan to deliver its housing requirement. The HBF recommend a 20% buffer of sites be included within the plan.

Policy H4: Housing Mix

Housing Mix

The HBF understands the need for a mix of house types, sizes and tenures and is generally supportive of providing a range and choice of homes to meet the needs of the local area. It is, however, important that any policy is workable and ensures that housing delivery will not be compromised or stalled due to overly prescriptive requirements or the need to provide significant amounts of additional evidence.

The HBF recommends a flexible approach is taken regarding housing mix which recognises that needs and demand will vary from area to area and site to site; ensures that the scheme is viable; and provides an appropriate mix for the location. The HBF would also highlight the need for creating a housing market that will attract investors to Darlington, and to provide an element of aspiration to ensure working people and families are retained within the area. The HBF consider that the Council need to be aware that the SHMA will only ever identify current deficits and reflects a snap-shot in time. Therefore, even the latest SHMA may not reflect the position at the time of an application. The HBF would like to ensure greater flexibility within this policy to acknowledge that the mix can vary both geographically and over the plan period.

Accessible and Adaptable Homes

Policy H4 then goes on to require 90% of all dwellings to meet M4(2) standards, 10% of market housing to meet M4(3) standards and 10% of affordable housing to meet M4(3) standards.

The Written Ministerial Statement dated 25th March 2015 stated that 'the optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the PPG'. PPG 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.

The HBF is generally supportive of providing quality living environments for residents both now and in the future. However, if the Council wishes to adopt the higher optional standards for accessible & adaptable homes the Council should only do so by applying the criteria set out in the PPG. It is incumbent on the Council to provide a local assessment evidencing the specific case for Darlington which justifies the inclusion of optional higher standards for accessible / adaptable homes in its Local Plan policy. 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.

Part 2 of the SHMA 2015 appears to provide the Council's evidence for this policy. Unfortunately, this evidence is severely lacking on the majority of these elements. This lack of evidence does question how the percentages identified in the policy were derived. Whilst the HBF does not dispute the ageing population or the presence of those entitled to claim PIP or DFG as identified by the SHMA, it is not clear how this evidence reflects in the need for 90% of all new homes to be provided at M4(2) standards. If it had been the Government's intention that generic statements identifying an ageing population or those claiming PIP 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 90% of all new dwellings as specified in Policy H4.

No further information is provided in relation to the adaptability and accessibility of the existing stock, or the size, location, type and quality of dwellings needed based on future demand. The HBF may have expected to see information in relation to 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. It is considered that the policy lacks finesse with no regard to the type or location of the housing being provided.

The SHMA also identifies that 3.3% of households have at least one wheelchair user using data taken from the CLG guide to available disability data. It goes on to note that rates are higher for those living in social housing and for older households. However, this 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. The HBF would conclude that this does not support the need for 10% of market housing and 10% of affordable housing to meet M4(3) standards.

PPG also states that policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling (ID: 56-009). Therefore, there will need to be a clear policy for how the Council will work with developers and housing associations to deliver these homes.

Paragraph 173 of the NPPF established the importance of viability testing to ensure that the sites and scale of development identified in the Plan should not be subject to such scale of obligations and policy burden that their ability to be developed might be threatened. 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.

The PPG is clear that 'local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied' (ID: 56-008). This does not seem to have been taken into account within this policy.

The HBF does not consider that this policy is required, it is considered that local needs can be met without the introduction of the optional housing standards. However, if the Council wish to pursue this policy the HBF recommends the Council ensure that an appropriate evidence base, including full viability testing, is available to support this policy in line with that set out in the PPG, that each of the requirements for consideration as set out in the PPG are contained within the policy and that appropriate viability and feasibility clauses are provided. The HBF also recommend that a transitional period is included within the policy to allow for homebuilders to adjust to the new requirements.

Policy H5: Affordable Housing

This policy will require the provision of affordable housing in residential schemes of 11 or more dwellings, there is a range of requirements from 10% to 30% dependent on ward.

The HBF supports the need to address the affordable housing requirements of the borough. The NPPF is, however, clear that the derivation of affordable housing policies must not only take account of need but also viability, this is set out in Paragraph 34 which states that such policies should not undermine the deliverability of the plan. There does not appear to be a viability report available with this document and therefore at this point it is not possible for the HBF to comment on the viability of this policy or others within the document. The Council should 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. Therefore, site by site negotiations on these sites should occur occasionally rather than routinely.

Policy IN8: Broadband Infrastructure

This policy requires developers of housing sites of more than 50 planned homes to ensure that broadband connectivity and ducts are provided for the development.

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.

Part R of the Building Regulations clearly sets the appropriate standards for high speed electronic communication networks. It is not considered appropriate for Darlington to seek additional local technical standards over and above this requirement.

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, paragraph 112 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.

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. The HBF recommend that the policy is deleted.

Whole Plan Viability

The Council have not published a whole plan viability assessment as part of this consultation. Therefore, it is not possible to consider whether policy requirements and infrastructure provision required are viable. This lack of evidence is not considered acceptable as it fails to give the development industry the opportunity to submit comments on the viability of a plan prior to its submission. It also suggests that the cumulative impact of the plan on the viability of development did not inform its preparation and the Council cannot say at this point whether or not the plan is deliverable. Paragraph 173 of the NPPF requires Council to consider the implications on viability of policies in the local plan, therefore the HBF consider the viability assessment to be a key supporting document that should have been published as part of this consultation.

Future Engagement

I trust that the Council will find these comments useful as it continues to progress its Local Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.

The HBF would like to be kept informed of the publication of the Inspector's report and the adoption of the Local Plan and associated documents. Please use the contact details provided below for future correspondence.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Joanne Harding', with a stylized flourish at the end.

Joanne Harding

Local Plans Manager – North

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