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Dear Sir / Madam

## **SOUTH WORCESTERSHIRE DEVELOPMENT PLAN REVIEW (SWDPR) – PREFERRED OPTIONS CONSULTATION**

Thank you for consulting with the Home Builders Federation (HBF) on the above mentioned consultation. 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 responses to the Councils preferred options consultation.

### **Draft Policy SWDPR 1 : Employment, Housing and Retail Requirements**

**Draft Policy SWDPR 1** states that to meet development requirements the South Worcestershire Councils will plan, monitor and manage the delivery of at least 13,957 additional new dwellings.

It is the HBF's opinion that the Councils should be clearer about the plan period, Local Housing Needs (LHN), the housing requirement and Housing Land Supply (HLS) in Draft Policy SWDPR 1. As currently drafted this policy is confusing by combining LHN, the housing requirement and HLS together.

### **Local Housing Needs (LHN) and the Housing Requirement**

As set out in the 2019 National Planning Policy Framework (NPPF) the determination of the minimum number of homes needed should be informed by LHN assessment using the Government's standard methodology unless exceptional circumstances justify an alternative approach (para 60). The standard methodology is set out in the updated National Planning Practice Guidance (NPPG). As set out in the NPPG the LHN figure is calculated at the start of the plan-making process however this number should be kept under review and revised when appropriate (ID 2a-008-20190220). The LHN figure may change as inputs are variable and this should be taken into consideration.



The LHN for each South Worcestershire Council has been separately calculated and then totalled to produce a South Worcestershire LHN of 1,257 dwellings per annum, which comprises of 404 dwellings per annum for Malvern Hills, 367 dwellings per annum for Worcester City and 487 dwellings per annum for Wychavon. This LHN assessment calculated using 2014-based SNHP, 2019 as the current year and 2018-based affordability ratio is mathematically correct.

It is important that the housing needs of South Worcestershire are not underestimated. The Government's objective of significantly boosting the supply of homes remains. LHN assessment is only a minimum starting point and any ambitions to support economic growth, to deliver affordable housing and to meet unmet housing needs from elsewhere may necessitate a housing requirement figure above LHN.

It is noted that there is no uplift from the minimum LHN starting point to support economic growth.

The Councils latest evidence of affordable housing need is 489 dwellings per annum. The NPPG states that total affordable housing need should be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments. An increase in the total housing figures may be considered where it could help deliver affordable housing (ID : 2a-024-20190220).

To fully meet the legal requirements of the Duty to Co-operate, the South Worcestershire Councils should engage on a constructive, active and on-going basis with neighbouring authorities to maximise the effectiveness of plan making. The SWDPR should be prepared through joint working on cross boundary issues. A key element of Local Plan Examination is ensuring that there is certainty through formal agreements that an effective strategy is in place to deal with strategic matters when Local Plans are adopted. As set out in the 2019 NPPF (paras 24, 26 & 27) the Councils should provide a signed Statement of Common Ground (SoCG). The SWDPR should be based on effective joint working on cross boundary strategic matters that have been dealt with rather than deferred as evidenced by a SoCG (para 35c).

The Councils Duty to Co-operate Statement confirms an additional 500 dwellings at Mitton for unmet housing needs from Gloucester, Cheltenham & Tewkesbury.

In summary, the proposed housing requirement for South Worcestershire is 31,555 dwellings (1,262 dwellings per annum) between 2016 – 2041 based on adopted SWDP housing requirement of 1,183 dwellings per annum between 2016 – 2021 (5,915 dwellings), LHN of 1,257 dwellings per annum between 2021 – 2041 and +500 dwellings at Mitton for unmet housing needs from Gloucester, Cheltenham & Tewkesbury.

The Councils proposal to use an annual average housing requirement figure of 1,183 dwellings per annum from the adopted SWDP until 2021 and only using

the higher LHN figure of 1,257 dwellings per annum beyond 2021 is inconsistent with national policy. The resultant overall figure is circa 500 dwellings lower than if the LHN applied over the full 25 years plan period. It is also noted that the proposed annual average housing requirement is lower than the stepped trajectory of 1,314 dwellings per annum to 2021 set out in Policy SWDP 3 of the adopted SWDP. Again, the resultant overall figure is circa 655 dwellings lower than if the adopted stepped trajectory applied until 2021.

### **Housing Land Supply (HLS)**

The Councils current HLS is 19,549 dwellings comprising of :-

- 5,832 completions between 1st April 2016 to 31st March 2019 ;
- 6,211 commitments (after application of 4.4% lapse rate) as at 31st March 2019 ; and
- 7,506 outstanding allocations still considered to be deliverable.

There is a net residual HLS of 12,006 dwellings to be found. The Councils propose to over allocate to build in flexibility to respond to changes in the LHN assessment methodology and non-delivery of allocations with a 10% over allocation of 1,951 dwellings (10% of 7,506 dwellings plus 10% of 12,006 dwellings), therefore the Councils net additional housing target is 13,957 dwellings.

3 Strategic Allocations in New and Expanded Settlements are proposed at Worcestershire Parkway for 5,000 dwellings (**Draft Policy SWDPR 49**), land at Throckmorton Airfield for 2,000 dwellings (and 4,000 dwellings beyond 2041) (**Draft Policy SWDPR 50**) and Rushwick Expanded Settlement for 1,000 dwellings (**Draft Policy SWDPR 51**). Under **Draft Policy SWDPR 52**, 2 Existing Urban Extensions are re-allocated at Worcester South for circa 2,600 dwellings and Worcester West for circa 2,150 dwellings.

### **Draft Policy SWDPR 53 : Worcester City Allocations** proposes :-

- 8 new housing allocations for 333 dwellings ;
- 15 housing site re-allocations for 351 dwellings ; and
- 1 new mixed use site for 495 dwellings.

### **Draft Policy SWDPR 54: Wychavon Allocations** proposes :-

- 4 new allocations in Droitwich Spa for 730 dwellings ;
- 5 new allocations in Evesham for 213 dwellings ;
- 6 new allocations in Pershore for 662 dwellings ;
- 18 new allocations in Category 1 Settlements for 505 dwellings ;
- 15 new allocations in Category 2 Settlements for 281 dwellings ;
- 5 new allocations in Category 3 Settlements for 85 dwellings ;
- 2 new allocations immediately adjacent to Worcester City for 101 dwellings ;

- New allocations immediately adjacent to Tewkesbury (in Mitton) for 1,000 dwellings ; and
- 25 housing / mixed use re-allocations for 786 dwellings.

**Draft Policy SWDPR 55 : Malvern Hills Allocations** proposes :-

- 4 new allocations in Malvern for 778 dwellings ;
- 1 new allocation in Tenbury Wells for 61 dwellings ;
- 6 new allocations in Category 1 Settlements for 266 dwellings ;
- 4 new allocations in Category 2 Settlements for 85 dwellings ;
- 1 new allocations in Category 3 Settlement for 52 dwellings ;
- 24 housing re-allocations for 731 dwellings ; and
- 2 mixed use re-allocations for circa 1,100 dwellings.

Housing delivery will be measured on a plan area basis. Upon adoption of the SWDPR the Councils will maintain and measure 5 years HLS across the plan area and the Housing Delivery Test will also continue be undertaken on this basis.

It is agreed that a flexibility contingency should be applied to the overall HLS so that the housing requirement is treated as a minimum rather than a maximum. The HBF acknowledge that there can be no numerical formula to determine the appropriate quantum for a surplus but greater numerical flexibility is necessary if a Local Plan is highly dependent upon one or relatively few large strategic sites and / or specific settlements / localities rather than if HLS is more diversified. The HBF always suggests as large a contingency as possible to maximise flexibility in order to respond quickly to changing circumstances, maintain a 5 YHLS and create choice and competition in the land market. The proposed headroom of 1,951 dwellings is considered insufficient.

The HBF submit no comments on the merits or otherwise of individual strategic / non-strategic sites proposed for allocation. Our responses to this consultation are submitted without prejudice to any comments made by other parties. The HLS should include a short and long-term supply of sites by the identification of both strategic and non-strategic allocations for residential development. Housing delivery is optimised where a wide mix of sites is provided therefore SUEs should be complimented by smaller non-strategic sites. The widest possible range of sites by both size and market location are required so that small, medium and large housebuilding companies have access to suitable land to offer the widest possible range of products. A mix of sites provides choice for consumers, allows places to grow in sustainable ways and creates opportunities to diversify the construction sector.

Under the 2019 NPPF, the Councils should identify at least 10% of the housing requirement on sites no larger than one hectare or else demonstrate strong reasons for not achieving this target (para 68). For South Worcestershire 10% of the minimum housing requirement is circa 3,200 dwellings. The Councils should ensure that the SWDPR is consistent with national policy.

It is noted that there is no housing trajectory. This omission from the SWDPR is inconsistent with the 2019 NPPF. A housing trajectory should be incorporated together with supporting evidence justifying the Councils assumptions on lapse rates, windfall allowances, lead in times and delivery rates in the housing trajectory. The HBF may wish to make further representations on the Councils housing trajectory and supporting evidence in representations to later consultations.

### **Draft Policy SWDPR 3 : Strategic Transport Links**

**Draft Policy SWDPR 3** states that development proposals must be consistent with the delivery of the objectives in Worcestershire County Council's Worcestershire Local Transport Plan (Worcestershire LTP4). For all major development Transport Assessments are required and must be carried out as set out in Worcestershire LTP4. Development proposals should support the design criteria and principles set out in Manual for Streets (Part 1 and 2) and Worcestershire County Council's Streetscape Design Guide.

The reference in Draft Policy SWDPR 3 to the Worcestershire LTP4, Manual for Streets and Worcestershire County Council's Streetscape Design Guide should not be interpreted by Development Management Officers as conveying the weight of a Development Plan Document onto guidance, which has not been subject to examination and does not form part of the SWDPR. These references should be removed from Draft Policy SWDPR 3. If inserted into supporting text, the Councils should only be stating that development proposals should have regard to the Highway Authority's standards and guidance.

**Draft Policy SWDPR 3** also states that all new residential development will be required to provide Electric Vehicle (EV) charging infrastructure, as set out in the Streetscape Design Guide.

The HBF is supportive of encouragement for the use of electric and hybrid vehicles via a national standardised approach implemented through the Building Regulations to ensure a consistent approach to future proofing the housing stock. Recently a consultation on Electric Vehicle Charging in Residential & Non-Residential Buildings was held by the Department for Transport (ended on 7<sup>th</sup> October 2019).

This consultation set out the Government's preferred option to introduce a new functional requirement under Schedule 1 to the Building Regulations 2010, which is expected to come into force in the first half of 2020. The inclusion of EVCP requirements within the Building Regulations 2010 will introduce a standardised consistent approach to EVCP in new buildings across the country. The requirements proposed apply to car parking spaces in or adjacent to buildings and the intention is for there to be one charge point per dwelling rather than per parking space. It is proposed that charging points must be at least Mode 3 or equivalent with a minimum power rating output of 7kW (expected increases in battery sizes and technology developments may make charge points less than 7 kW obsolete for future car models, 7 kW is considered a sufficiently future-proofed standard for home charging) fitted with a universal

socket to charge all types of electric vehicle currently on the market and meet relevant safety requirements. All charge points installed under the Building Regulations should be un-tethered and the location must comply with the Equality Act 2010 and the accessibility requirements set out in the Building Regulations Part M.

The Government has estimated installation of such charging points add on an additional cost of approximately £976. The Councils Viability Assessment does not include any costs for Draft Policy SWDPR 3.

The Government has also recognised the possible impact on housing supply, where the requirements are not technically feasible. The Government's recent consultation proposed introducing exemptions for such developments. The costs of installing the cables and the charge point hardware will vary considerably based on site-specific conditions in relation to the local grid. The introduction of EVCPs in new buildings will impact on the electricity demand from these buildings especially for multi-dwelling buildings. A requirement for large numbers of EVCPs will require a larger connection to the development and will introduce a power supply requirement, which may otherwise not be needed. The level of upgrade needed is dependent on the capacity available in the local network resulting in additional costs in relation to charge point instalment. The Government recognises that the cost of installing charge points will be higher in areas where significant electrical capacity reinforcements are needed. In certain cases, the need to install charge points could necessitate significant grid upgrades which will be costly for the developer. Some costs would also fall on the distribution network operator. Any potential negative impact on housing supply should be mitigated with an appropriate exemption from the charge point installation requirement based on the grid connection cost. The consultation proposes that the threshold for the exemption is set at £3,600. In the instances when this cost is exceptionally high, and likely to make developments unviable, it is the Government's view that the EVCP requirements should not apply and only the minimum Energy Performance of Buildings Directive requirements should be applied.

It is the HBF's opinion that the Councils should not be getting ahead of Government proposals for Building Regulations. The requirement for EVCP should be deleted from Draft Policy SWDPR 3. If retained as a policy requirement, the Councils should recognise the technical feasibility and viability impacts as identified by the Government. The Councils policy approach should allow exceptions if not technically feasible or viable.

### **Draft Policy SWDPR 7 : Health and Wellbeing**

**Draft Policy SWDPR 7** states that support will be given to proposals that provide a mix of housing, such as Lifetime Homes, to meet the needs of different groups in the community;

Since the Housing Standards Review and the Written Ministerial Statement dated 25<sup>th</sup> March 2015 it has been the Government's intention to avoid

individual Council's setting their own arbitrary housing standards but instead to achieve standardisation via mandatory requirements of the Building Regulations and adoption of optional higher technical standards in Local Plan policies. The inference of this standardisation is that Lifetime Homes is now superseded having been subsumed into Part M4 of the Building Regulations. The Councils should not be referring to Lifetime Homes in Draft Policy SWDPR 7. The reference to Lifetime Homes should be deleted.

**Draft Policy SWDPR 7** also states that a Health Impact Assessment (HIA) must be undertaken on residential development sites of 10 or more dwellings.

The general expectations of the 2019 NPPF is that planning will promote healthy communities. The NPPG (ID53-004-20140306) confirms that a HIA can serve a useful purpose at planning application stage and consultation with the Director of Public Health as part of the process can establish whether a HIA would be a useful tool for understanding the potential impacts upon wellbeing that development proposals will have on existing health services and facilities. The requirement for a HIA for all residential developments of 10 or more dwellings without any specific evidence that an individual scheme is likely to have a significant impact upon the health and wellbeing of the local population is not justified by reference to the NPPG. Any requirement for a HIA Screening Report and / or a full HIA should be based on a proportionate level of detail in relation the scale and type of development proposed. It is suggested that HIA Screening Report will only be required for applications for large strategic residential developments. If a significant adverse impact on health and wellbeing is identified only then should a full HIA be required, which sets out measures to substantially mitigate the impact.

#### **Draft Policy SWDPR 12 : Effective Use of Land**

The HBF support the efficient use of land and the setting of density standards in accordance with the 2019 NPPF (para 123) whereby in the circumstances of an existing or anticipated shortage of land to meet identified housing needs then a minimum density in suitable locations such as town centres and those benefiting from good public transport connections may be appropriate.

An inconsistency in wording in Bullet Point E of Draft Policy SWDPR 12 and sub sections E(i), E(ii) and E(iii) between average net density and minimum net density is noted, which should be re-checked by the Councils.

The Councils approach to densities in the SWDPR should be nuanced and flexible. The inter-relationship between density, house size (any implications from the introduction of optional space and accessible / adaptable homes standards), house mix and developable acreage should be considered in viability assessments. Moreover, the impact on provision of a variety of typologies to meet the housing needs of different groups should also be considered. A range of densities specific to different areas of the plan area may be necessary to ensure that any proposed density is appropriate to the character of the surrounding area. Further consideration on a case by case

basis should be permissible to determine if a lower or higher density is more appropriate in a specific location.

Bullet Point E also refers to an indicative monitoring target of 20% of housing development on brownfield land. This is a statement rather than a policy, which is not providing landowners, developers or local communities with a clear indication of what will or will not be permitted or how decision makers should react to a development proposal. The Councils should re-consider this Bullet Point.

### **Draft Policy SWDPR 14 : Meeting Affordable Housing Needs**

**Draft Policy SWDPR 14** states that on sites of 10 or more dwellings, 40% of the dwellings should be affordable and be provided on site. Within Designated Rural Areas, on sites of between 6 - 9 dwellings, 40% of dwellings should be affordable on site and on sites of 5 dwellings or less, a financial contribution towards local affordable housing provision should be made, based on the cost of providing the equivalent in value to 20% of the units as affordable housing on site. The financial sum will be payable on completion of the development.

The Councils should be clearer that the only Designated Rural Areas in the plan area are the Cotswolds and Malvern Hills Areas of Outstanding Natural Beauty (AONB). Moreover, the requirement for provision of 40% affordable housing on-site on smaller sites of 6 – 9 dwellings in Designated Rural Areas may be impractical. The Councils policy approach should be more flexible so that where appropriate commuted sums for off-site provision is also acceptable.

The SWDPR should set out the contributions expected from development including the level and types of affordable housing provision required and other infrastructure for education, health, transport, flood & water management, open space, digital communication, etc. As set out in the 2019 NPPF such policy requirements should not undermine the deliverability of the Local Plan (para 34). It is important that the Councils understand and test the influence of all inputs on viability as this determines if land is released for development and if development is financially viable. Viability assessment is highly sensitive to changes in its inputs whereby an adjustment or an error in any one assumption can have a significant impact on the viability or otherwise of development. The cumulative impact of provision of infrastructure, other contributions and compliance with policy requirements should be set so that most sites are deliverable without further viability assessment negotiations (para 57).

The Councils latest viability evidence is set out in the SWDPR Draft Financial Viability Assessment Report dated September 2019 by Aspinall Verdi. This Draft Report recommends that having regard to the cumulative impact of the SWDPR policies including the current CIL Charge (£40 per square metre with the exception of low value brownfield typologies) 40% on-site provision of affordable housing is viable on all sites of 10 or more dwellings across the District and on sites of 6 – 9 dwellings within a Designated Rural Area on sites of 6-9 dwellings. It is noted that the Report makes no recommendation

concerning the requirement for financial contributions equivalent to 20% on sites of 5 or less dwellings in Designated Rural Areas.

With regards to the recommendations in the Councils Draft Viability Assessment it is noted that there is yet to be consultation with stakeholders on sales revenue, build cost and land value assumptions used in residential assessments. It is also noted that not all proposed policy requirements have been fully taken into consideration and / or costed, for example, using average rather than actual NDSS, only £10,111 per dwelling for M4(3), no costs for EVCPs, renewable / low carbon energy, self & custom build plots, optional technical standard for water efficiency and biodiversity gain (NB this is not an exhaustive list). Draft Policy SWDPR 14 should be re-considered after the cumulative impact of full policy compliance has been re-assessed. The HBF may submit further comments on whole plan viability in representations to later consultations.

Under **Draft Policy SWDPR 14** the final tenure mix of the affordable housing on individual sites will be subject to negotiation. The preference will be for social rented, unless, for example, a contribution from an alternative affordable housing tenure is required to achieve scheme viability or local need has been demonstrated for a different affordable housing tenure.

There should be further clarification in Draft Policy SWDPR 14 and / or the supporting text (see para 13.43) regarding consistency with 2019 NPPF affordable housing definitions and affordable housing tenure mix (para 64).

**Draft Policy SWDPR 14** also states that further details will be set out in an Affordable Housing Supplementary Planning Document (SPD).

The reference to the Affordable Housing SPD in Draft Policy SWDPR 14 should not be interpreted by Development Management Officers as conveying the weight of a Development Plan Document onto an SPD, which has not been subject to examination and does not form part of the SWDPR. An SPD does not have statutory force and has not been subject to the same process of preparation, consultation and examination as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (Regulations). This reference should be removed from Draft Policy SWDPR 14. If inserted into supporting text, the Councils should only be stating that development proposals should have regard to such guidance.

### **Draft Policy SWDPR 15 : Providing Opportunities for Self-Build and Custom Housebuilding**

Draft Policy SWDPR 15 expects provision of 5% of dwelling plots for sale as serviced Self or Custom Build plots on sites of 20 or more dwellings unless demand identified on the Self-Build & Custom Housebuilding Register, or other relevant evidence, demonstrates that there is a lower level of demand for plots.

Under the Self Build & Custom Housebuilding Act 2015, the Councils have a duty to keep a Register of people seeking to acquire self & custom build plots and to grant enough suitable development permissions to meet identified demand. The NPPG (ID: 57-025-201760728) sets out ways in which the Councils should consider supporting self & custom build. These are :-

- developing policies in the Borough Plan for self & custom build ;
- using Council owned land if available and suitable for self & custom build and marketing such opportunities to entrants on the Register ;
- engaging with landowners who own housing sites and encouraging them to consider self & custom build and where the landowner is interested facilitating access to entrants on the Register ; and
- working with custom build developers to maximise opportunities for self & custom housebuilding.

The HBF is supportive of proposals to encourage self & custom build for its potential additional contribution to overall HLS.

The HBF is not supportive of policy requirements for the inclusion of 5% serviced plots for self & custom build on housing sites of 20 or more dwellings, which only changes housing delivery from one form of house building to another without any consequential additional contribution to boosting housing supply. The Councils should not seek to place the burden for delivery of self & custom build plots onto other parties contrary to national guidance, which outlines that the Councils should engage with landowners and encourage them to consider self & custom build. The Councils proposed policy approach should not move beyond encouragement by seeking provision of self & custom build plots as part of the housing mix on housing sites of 20 or more dwellings.

All policies should be underpinned by relevant and up to date evidence which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. The Councils Self & Custom Build Register alone is not a sound basis for setting a specific policy requirement. As set out in the NPPG the Councils should provide a robust assessment of demand including an assessment and review of data held on the Councils Register (ID 2a-017-20192020), which should be supported by additional data from secondary sources to understand and consider future need for this type of housing (ID 57-0011-20160401). The Councils should also analyse the preferences of entries as often only individual plots in rural locations are sought as opposed to plots on housing sites. It is also possible for individuals and organisations to register with more than one Council so there is a possibility of some double counting. The Register may indicate a level of expression of interest in self & custom build but it cannot be reliably translated into actual demand should such plots be made available.

In September 2019 there were 126 individuals on Part 1 of the Register who had lived or worked in one of the South Worcestershire authority's for at least 3 years and 78 individuals on Part 2 of the Register. There is a potential over-

supply of self & custom build plots on sites of 20 or more dwellings against this identified demand.

The Councils policy approach should be realistic to ensure that where self & custom build plots are provided they are delivered and do not remain unsold. It is unlikely that the provision of self & custom build plots on allocated housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health & safety perspective it is difficult to envisage the development of single plots by individuals operating alongside this construction activity.

If demand for plots is not realised there is a risk of plots remaining permanently vacant effectively removing these undeveloped plots from the Councils HLS. Where plots are not sold it is important that the Councils policy is clear as to when these revert to the original developer. It is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the commencement of development. The consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self & custom builders.

As well as on-site practicalities any adverse impacts on viability should be tested. It is the Councils responsibility to robustly viability test the SWDPR in order to set the cumulative impact of policy requirements so that most development is deliverable without further viability assessment negotiations and the deliverability of the SWDPR is not undermined.

Self & custom build dwellings are exemption from Community Infrastructure Levy (CIL) contributions and affordable home ownership provision as set out in national policy. Draft Policy SWDPR 15 may have a detrimental impact upon the level of affordable housing provision achieved on housing developments. The Councils may wish to adopt an aspirational approach in provision of plots to deliver self & custom build but this should not be pursued at the expense of delivering affordable housing.

### **Draft Policy SWDPR 16 : Residential Access Standards**

**Draft Policy SWDPR 16** states that on new housing developments of 20 or more dwellings, 20% of the market dwellings should meet the requirements of Building Regulations Part M4(2) dwelling standard (Accessible and Adaptable Dwellings). On sites of 100 or more dwellings, 1% of the dwellings on site should meet the requirements of Building Regulations Part M4(3) dwellings standard (Wheelchair Use Dwellings). Exceptional circumstances will apply for site-specific factors such as vulnerability to flooding, site topography or other

special circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings and where step-free access is not viable, neither of the optional requirements in Part M should be applied.

If the Councils wish to adopt the optional standards for M4(2) and / or M4(3) then this should only be done in accordance with the 2019 NPPF (para 127f & Footnote 46) and the NPPG. Footnote 46 states *“that planning policies for housing should make use of the Government’s optional technical standards for accessible and adaptable housing where this would address an identified need for such properties”*. As set out in the 2019 NPPF all policies should be underpinned by relevant and up to date evidence which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned (para 31). The NPPG sets out the evidence necessary to justify a policy requirement for M4(2) and / or M4(3) standards. The Councils should apply the criteria set out in the NPPG (ID 56-005-20150327 to 56-011-20150327) to ensure that an appropriate evidence base is available to support any proposed policy requirements.

All new homes are built to Building Regulation Part M Category 1 (M4(1)) standards which include level approach routes, accessible front door thresholds, wider internal doorway and corridor widths, switches and sockets at accessible heights and downstairs toilet facilities usable by wheelchair users. These standards are not usually available in the older existing housing stock and benefit less able-bodied occupants. The optional standards should only be introduced on a “need to have” rather than a “nice to have” basis. Need is generally defined as *“requiring something because it is essential or very important rather than just desirable”*. If the Government had intended that evidence of an ageing population alone justified adoption of optional standards then such standards would have been incorporated as mandatory in the Building Regulations, which is not the case. M4(1) standards are likely to be suitable for most residents.

In determining the quantum of M4(2) and / or M4(3) homes, the Councils should focus on the ageing population living in the plan area compared to national / regional figures and the proportion of households living in newly built homes. Many older people already live in South Worcestershire and are unlikely to move home. There may be a need for some new dwellings to be built to optional technical standards especially specialist housing but not all existing older residents will move home and those that do move may not choose to live in a new dwelling. The under-occupancy of new family homes by older people or individuals runs at odds with the aim of making the best use of the housing stock.

The NPPG sets out that evidence should include identification of :-

- the likely future need ;
- the size, location, type and quality of dwellings needed ;
- the accessibility and adaptability of the existing stock ;
- variations in needs across different housing tenures : and

- viability.

Any policy requirement for provision of M4(2) and / or M4(3) dwellings should be viability assessed. There are substantial cost differences between M4(2) and M4(3) compliant homes. In September 2014, the Government's Housing Standards Review included cost estimates by EC Harris which were £1,646 per apartment and £2,447 per house for M4(2) and £15,691 per apartment and £26,816 per house for M4(3). The Councils own viability testing should include such costs plus any inflationary cost increases since 2014.

The requirement for M4(3) should only be required for dwellings over which the Councils have housing nomination rights as set out in the NPPG (ID 56-008-20150327).

### **Draft Policy SWDPR 17 : Residential Space Standards**

**Draft Policy SWDPR 17** proposes that all new residential development should, as a minimum, meet the requirements of the Nationally Described Space Standard (NDSS).

If the Councils wish to adopt the optional NDSS then this should only be done in accordance with the 2019 NPPF (para 127f & Footnote 46). Footnote 46 states that "*policies may also make use of the NDSS where the need for an internal space standard can be justified*". As set out in the 2019 NPPF all policies should be underpinned by relevant and up to date evidence which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned (para 31). The NPPG sets out that "*Where a need for internal space standards is identified, the authority should provide justification for requiring internal space policies. Authorities should take account of the following areas need, viability and timing*" (ID: 56-020-20150327). Before adopting the NDSS, the Councils should provide a local assessment evidencing the case for South Worcestershire. If it had been the Government's intention that generic statements justified adoption of the NDSS then the standard would have been incorporated as mandatory in the Building Regulations, which is not the case.

The NDSS should only be introduced on a "need to have" rather than a "nice to have" basis. Need is generally defined as "*requiring something because it is essential or very important rather than just desirable*". The identification of a need for the NDSS must be more than simply stating that in some cases the standard has not been met it should identify the harm caused or may be caused in the future.

The HBF is not aware of any evidence that market dwellings not meeting the NDSS have not sold or that those living in these dwellings consider that their housing needs are not met. There is no evidence that the size of houses built are considered inappropriate by purchasers or dwellings that do not meet the NDSS are selling less well in comparison with other dwellings. The HBF in partnership with National House Building Council (NHBC) undertake an annual

independently verified National New Homes Customer Satisfaction Survey. The 2018 Survey demonstrates that 90% of new home buyers would purchase a new build home again and 87% would recommend their housebuilder to a friend. The results also conclude that 93% of respondents were happy with the internal design of their new home, which does not suggest that significant numbers of new home buyers are looking for different layouts or house sizes to that currently built.

There is a direct relationship between unit size, cost per square metre, selling price per metre and affordability. The full impact of NDSS on viability including on build costs, selling prices, relevant price points and affordability should be assessed. Often the greatest impact is on smaller (2 bed / 4 person and 3 bed / 5 person) dwellings.

Across South Worcestershire the median house price to median earnings ratio has increasing from 5.5 in 1997 to 11.31 in 2018 in Malvern Hills, 3.46 in 1997 to 6.79 in 2018 in Worcester and 4.65 in 1997 to 9.82 in 2018 in Wychavon. The Councils cannot simply expect home buyers to absorb extra costs. An unintended consequence of adopting the NDSS may be to push additional families into affordable housing need because they can no longer afford to buy a NDSS compliant home.

There is also an impact of larger dwellings on land supply. The adoption of NDSS would reduce site yields so a greater amount of land would be needed to achieve the same number of units. The efficient use of land is less because development densities decrease. At the same time the cumulative impact on fewer units per site intensifies any viability challenges. The Councils may simultaneously worsen affordability and undermine affordable housing delivery.

The Councils should take into consideration any effects on delivery rates of sites included in the housing trajectory. The delivery rates on many sites will be predicated on market affordability at relevant price points and maximising absorption rates. An adverse impact on the affordability of first-time buyer and family sized products may translate into reduced or slower delivery rates. Consequentially, the Councils should put forward proposals for transitional arrangements. Some sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any outline or detailed approval prior to the specified date and any reserved matters applications should not be subject to the NDSS.

### **Draft Policy SWDPR 19 : Meeting the Needs of Travellers and Travelling Showpeople**

**Draft Policy SWDPR 19** states that larger strategic sites shall each include a traveller site of up to 10 pitches, to be sited within the allocation boundaries in the locations as defined through the master planning stage.

The Councils policy approach should be more flexible to allow off site provision and / or financial contributions.

## **Draft Policy SWDPR 22 : Meeting the Needs of Older Residents and Residents with Special Needs**

**Draft Policy SWDPR 22** requires on all allocated and windfall sites of five units or more as part of the market housing mix through Policy SWDPR 13 and affordable housing mix through Policy SWDPR 14 the provision of housing suitable for the needs of older people.

All households should have access to different types of dwellings to meet their housing needs. When planning for an acceptable mix of dwellings types to meet people's housing needs the Councils focus should be ensuring that appropriate sites are allocated to meet the needs of specifically identified groups. The SWDPR should ensure that suitable sites are available for a wide range of types of development across a wide choice of appropriate locations. However Draft Policy SWDPR 22 is repetitive and unnecessary.

## **Draft Policy SWDPR 30 : Electronic Communications**

**Draft Policy SWDPR 30** requires the enabling of broadband service to all occupiers from first occupation.

Building Regulations Part R "Physical Infrastructure for High Speed Electronic Communications Networks" from 1<sup>st</sup> January 2017 requires all new dwellings to be equipped with a high speed ready in-building infrastructure from the service providers access point up to the occupiers network termination point for high speed electronic communications networks so future copper or fibre optic cables or wireless devices capable of delivering broadband speeds greater than 30 megabits per second can be installed (NB. A standard copper telephone cable when connected to a service providers fibre network can deliver broadband speeds up to 70 megabits per second). The delivery of broadband services is reliant on a third party contractor over which a developer is unlikely to have any control which means practical difficulties in implementing Draft Policy SWDPR 30.

## **Draft Policy SWDPR 31 : Renewable and Low Carbon Energy**

**Draft Policy SWDPR 31** states that all new developments of one or more dwellings should incorporate the generation of energy from renewable or low carbon sources equivalent to at least 20% of predicted energy requirements, unless it has been demonstrated that this would make the development unviable.

Today's new homes are very energy efficient with lower heating bills for residents compared to existing older homes. The HBF support moving towards greater energy efficiency via a nationally consistent set of standards and a timetable for achieving any enhancements which is universally understood and technically implementable. The HBF acknowledges that the Government has not enacted its proposed amendments to the Planning & Energy Act 2008 to prevent the Councils from stipulating energy performance standards that exceed the Building Regulations but consider that the Councils should comply

with the spirit of the Government's intention of setting standards for energy efficiency through the Building Regulations. It is the HBF's opinion that the Councils should not be setting different targets or policies outside of Building Regulations. The key to success is standardisation and avoidance of every Council in the country specifying its own approach to energy efficiency, which would undermine economies of scale for both product manufacturers, suppliers and developers.

Currently, the Government is consulting (ending on 10<sup>th</sup> January 2020) on The Future Homes Standard. The UK has set in law a target to bring all its greenhouse gas emission to net zero by 2050. New and existing homes account for 20% of emissions. It is the Government's intention to future proof new homes with low carbon heating and world-leading levels of energy efficiency. This current consultation addresses :-

- Options to uplift standards for Part L (Conservation of Fuel & Power) Building Regulations in 2020 and changes to Part F (Ventilation) Building Regulations. An increase in energy efficiency requirements for new homes in 2020 will be a meaningful and achievable stepping-stone to the Future Homes Standard in 2025. This is expected to be achieved through very high fabric standards and a low carbon heating system based on one of two options. The Government's preferred Option 2 proposes 31% reduction in carbon emissions compared to current standards (Approved Document L 2013) delivered by installation of carbon saving technology and better fabric standards. Both options increase costs for housebuilders (estimated costs between circa £2,557 - £4,847 per dwelling) ;
- Transitional arrangements to encourage quicker implementation ;
- Clarifying the role of Local Planning Authorities (LPA) in setting energy efficiency standards. The Government is proposing to remove the ability of LPAs to set higher energy efficiency standards than those in Building Regulations which has led to disparate standards across the country and inefficiencies in supply chains. The Government wants to create certainty and consistency. The situation is confusing with decisions about technical appropriateness, application and enforcement of energy standards considered by planning officers, committees and Planning Inspectors rather than by qualified Building Inspectors. An uplift to Part L standards in 2020 will improve the energy efficiency of new homes and prepare housebuilders and supply chains in readiness for the further uplift in 2025 to meet the Future Homes Standard so there is no need for LPAs to seek higher standards.

The Councils should not be getting ahead of national policy, which is expected to come into effect mid / late 2020. Draft Policy SWDPR 31 should be modified.

#### **Draft Policy SWDPR 34 : Water Resources, Efficiency and Treatment**

**Draft Policy SWDPR 34** states that housing proposals must be demonstrated that the daily non-recycled water use per person will not exceed 110 litres per person per day.

All new dwellings achieve a mandatory level of water efficiency of 125 litres per day per person under Building Regulations which is higher than that achieved by much of the existing housing stock. The Written Ministerial Statement dated 25<sup>th</sup> March 2015 confirmed 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 NPPG”*. If the Councils wish to adopt the higher optional standard for water efficiency of 110 litres per person per day then the Councils should justify doing so by applying the criteria set out in the NPPG (ID 56-013 to 56-017). The NPPG refers to *“helping to use natural resources prudently ... to adopt proactive strategies to ... take full account of water supply and demand considerations ... whether a tighter water efficiency requirement for new homes is justified to help manage demand”*. The Housing Standards Review was also explicit that reduced water consumption was solely applicable to water stressed areas.

The South Worcestershire Councils Water Cycle Study – Phase 1 Scoping Study Final Report dated August 2019 by JBA Consulting confirms that although in a region of moderate water stress, Severn Trent Water have adequate water resources for all proposed development sites and water supply is not expected to be a constraint to development within South Worcestershire. Moreover, these confirmations are not reliant on new homes being more water-efficient than existing metered homes. The optional technical standard for water efficiency should be deleted from Draft Policy SWDPR 34.

## **Conclusion**

It is hoped that these responses will assist the Councils in informing the next stages of the SWDPR. In the meantime, if any further information or assistance is required please contact the undersigned.

Yours faithfully  
for and on behalf of **HBF**



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