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Dear Sir / Madam

EAST NORTHAMPTONSHIRE PRE-SUBMISSION LOCAL PLAN PART 2 (LPP2) CONSULTATION

Introduction

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. The HBF submit the following representations to the East Northamptonshire LPP2 and in due course wish to participate in the Examination Hearing Sessions to discuss matters in greater detail.

The North Northamptonshire Joint Core Strategy (NNJCS) for Corby, East Northamptonshire, Kettering and Wellingborough Councils adopted in July 2016 sets out the overall spatial strategy, the level of growth and its distribution, strategic site allocations and strategic policies including place shaping requirements and development management policies. The adopted NNJCS provides the strategic framework for the East Northamptonshire LPP2. The LPP2 supplements the NNJCS by providing where necessary greater local detail to issues relevant to the District. The NNJCS is a comprehensive document, therefore the LPP2 should not re-address issues previously dealt with or duplicate policies in the adopted NNJCS.

Housing Policies

Policy EN29 - Delivering wheelchair accessible housing

If the Government implements proposed changes to Part M of the Building Regulations as set out in the "Raising Accessibility Standards for New Homes" consultation, which closed on 1 December 2020, **Policy EN29** will be unnecessary.



In the meantime, if the Council wishes to adopt the optional standards for accessible & adaptable dwellings, 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). Therefore, a policy requirement for wheelchair accessible dwellings M4(3b) must be justified by robust evidence. The NPPG sets out the evidence necessary to justify a policy requirement for optional standards. The Council should apply the criteria set out in the NPPG (ID 56-005-20150327 to 56-011-20150327). The optional standard should be adopted 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”*.

All new homes are built to Building Regulation Part M Category 1 (M4(1)) standards and under Bullet Point (c) of Policy 30 - Housing Mix and Tenure of the adopted NNJCS, all new dwellings must meet Category 2 (M4(2)) of the Building Regulations. Adopted NNJCS Policy 30 Bullet Point (c) also sets out that the Council should negotiate for a proportion of Category 3 (wheel-chair accessible) housing based on evidence of local needs. Under **Policy EN29**, all new housing developments should include a minimum of 5% Category 3 (wheelchair accessible) housing.

There is no rationale for all new housing developments to provide M4(3b) dwellings, the quantum provision for a minimum of 5% or the specification for wheelchair accessible dwellings, which include the most common features required by wheelchair users (M4(3b)) rather than wheelchair adaptable dwellings, which include features to make a home easy to convert to be fully wheelchair accessible (M4(3a)).

The Council has not provided any evidence of local needs, which is a prerequisite of adopted NNJCS Policy 30. The Council’s evidence is a re-submission of Strategic Housing Market Assessment Update January 2015 as originally submitted to the NNJCS examination. This evidence is not demonstrative of local needs. This evidence is also now somewhat dated. As set out in the 2019 NPPF, all policies should be underpinned by relevant and up to date evidence (para 31). The Planning Inspectorate Guidance for Local Plan Examination sets out that evidence base documents dating from two or more years before the submission date for examination of a Local Plan may be at risk of having been overtaken by new data (para 1.11). Such documents should be updated to incorporate the most recent available information.

The Council’s policy approach fails to take into account site specific factors such as vulnerability to flooding, site topography and other circumstances, which make a site unsuitable for M4(3) compliant dwellings (NPPG ID 56-008-20150327).

The Council is also reminded that the requirement for M4(3) should only be required for dwellings over which the Council has housing nomination rights as set out in the NPPG (ID 56-008-20150327).

Viability is a key issue in determining the soundness of the LPR at Examination. As stated in the 2019 NPPF, development should not be subject to such a scale of obligations that deliverability of development is threatened (para 34). The impact of policy requirements on viability should be tested at the plan making stage. The Council's viability evidence is set out in East Northamptonshire Local Plan Viability Assessment by BNP Paribas dated January 2021. The Council should clarify which areas of the District and / or allocated sites fall into each sales value category shown in Tables 6.4.1 – 6.4.9. Until this clarification is provided, it is impossible to assess the viability of individual site typologies and policies and therefore the deliverability of the LPP2.

In the Council's viability assessment, the cost assumption of £22,694 per house and £7,908 per apartment is used for M4(3) dwellings (para 4.22), which are under-estimations. In September 2014 during the Government's Housing Standards Review, EC Harris estimated the cost impact of M4(3) per dwelling as £15,691 for apartments and £26,816 for houses. It is also arguable that inflationary cost increases since 2014 should be applied. M4(3b) compliant dwellings are larger than Nationally Described Space Standards (see DCLG Housing Standards Review Illustrative Technical Standards Developed by the Working Groups August 2013), therefore larger sizes should be used when calculating additional build costs for M4(3b) and any other input based on square meterage.

Policy EN29 is unsound. There is no robust evidence of local need, no consideration of site suitability due to site-specific circumstances or the lack of housing nomination rights over market housing. The full financial impacts of M4(3b) dwellings on viability has not been tested. **Policy EN29** should be deleted.

Policy EN32 : Self & Custom build housing

Under **Bullet Point (b)** on sites of 50 or more dwellings, 5% of the plots should be made available on site as serviced custom build plots. These serviced plots should be offered for sale for custom (or self) build for a minimum of 12 months, after which these may be released for general market housing as part of the consented scheme.

The HBF agree that the Council should support self & custom build housing. The NPPG sets out the key role that the Council should play in bringing forward suitable land for self & custom build housing (ID 57-025-20210508). As set out in the latest NPPG, the Council should engage with landowners and encourage them to consider self & custom build but the Council's policy approach should not move beyond encouragement by seeking to burden developers with

responsibility for delivery of self & custom build plots as part of the housing mix on sites of 50 or more dwellings.

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). Therefore, the provision of custom (or self) build serviced plots on sites of 50 or more dwellings must be justified by robust evidence. The Council's justification is set out in the Council's Self-build and Custom Housebuilding Background Paper.

The Council's evidence shows minimal interest with a mean average recorded expression of interest between 31/10/2016 - 30/10/2019 of only 31 per annum or 39 dwellings per annum based on modelling set out in the Self & Custom Build Demand Assessment Framework by 3 Dragons dated December 2018. It is noted that East Northamptonshire Council's Register does not currently include any local eligibility criteria therefore demand may be over-estimated. Furthermore, it is noted that the Council's neighbouring authority of Kettering Borough Council considers that "*the level of modelled demand (714 dwellings between 2019 – 2031) in the Three Dragons Report (Custom and Self Build Demand Assessment Framework December 2018 in Appendix 1) represents an aspiration, which should not be considered as a strict target or a primary source in determining demand*". The Council's Self & Custom Build Register and modelling by 3 Dragons may indicate a level of expression of interest in self & custom build but they may not reliably translate into actual demand should such plots be made available. The Council's policy approach should be realistic so that where self & custom build plots are provided, they are delivered and do not remain unsold.

In developing policies for delivering self & custom build housing, it is important to understand quantum of demand and its distribution across the District. The Council's Self Build and Custom Build Registration allows interested parties to specify locations of interest (one or more preferred locations). Preferred locations are set out in Table 3 of the Council's Self-build and Custom Housebuilding Background Paper, which comprise :-

- 11% in Rushden ;
- 7% in Irthlingborough ;
- 4% in Tresham Garden Village (Deene & Deenethorpe) ;
- 61% in Oundle Thrapston, Higham Ferrers & Raunds ;
- 11% in Rural areas (Northern Parishes) ; and
- 5% in Rural areas (Southern Parishes).

If the Council mismatches an over-supply of plots on housing sites of 50 or more dwellings against demand, there is a risk of plots remaining undeveloped.

The Council has acknowledged that most self and custom build housing is likely to be delivered in the form of minor (1 – 2 dwelling) infill plots, conversions and / or changes of use and other windfall developments. The Council's annual

monitoring data has confirmed a supply from such sources as 25 plots per annum. The Council has identified a minimal potential shortfall of between 6 - 11 plots per annum totalling 68 – 132 plots to 2031.

Bullet Point (a) of Policy EN32 supports self-builders by supporting proposals for self-build housing developments on infill or other windfall development sites within urban areas, freestanding villages or ribbon developments. This is an appropriate and proportionate responses to the provision of self & custom build plots. Neighbourhood Plans are another potential source of supply. Neighbourhood Plans provide an opportunity to encourage self and custom build housing by inclusion of supportive planning policies or allocating sites for self and custom build housing.

It is noted that Policy 30 of the adopted NNJCS provides support and encouragement for self / custom build schemes and requires a percentage of such plots on Sustainable Urban Extensions. Policy 14 (Deenethorpe Airfield Area of Opportunity – Tresham Garden Village) of the adopted NNJCS Bullet Point (f) states that to “Develop a balanced and mixed community and address affordable housing needs ... Opportunities for bespoke individual and community custom-build projects including self-build housing subject to the design code”. These adopted Policies are also appropriate and proportionate responses for the 22% of entries on the Council’s Register stating a preference for these locations.

There is a disconnect between the site threshold of 50 or more dwellings and the scale of 5% provision, which is a disproportionate response to the potential minimal shortfall in provision for self & custom build housing and locational preferences of interested parties. The Council’s policy approach has not considered the type of development proposed, apartment developments, specialist accommodation for the elderly and conversions should be excluded from any policy requirements for provision of self & custom build plots.

In the Self-build and Custom Housebuilding Background Paper, the Council distinguishes between self-build and custom build with a local definition. However, this local definition has not been presented in the policy wording, supporting text or glossary of the LPP2. Without setting out this distinction and local definition concerns about the practicalities of implementation and viability remain.

The provision of custom (or self) build serviced plots on larger housing developments adds to the complexity and logistics of developing such sites and therefore potentially slower delivery. It is unlikely that the provision of custom (or self) build plots on new 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. Any differential between the lead-in times / build out rates of custom (or self) build plots and the development of the wider site means unfinished plots next to

completed and occupied dwellings resulting in consumer dissatisfaction, construction work outside of specified working hours, building materials stored outside of designated compound areas, etc.

Where plots are not sold, it is important that the Council's 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 because 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. The Council's proposed minimum 12 months marketing period is considered too long. If the Council's policy approach is retained, the marketing period should be no longer than 6 months. The Council is referred to Policy H9 of the Wellingborough LPP2 and the Main Modifications to Policy 12 of the Corby LPP2.

As well as on-site practicalities any adverse impacts on viability should be tested. The Council's viability assessment fails to acknowledge that developing sites including self & custom build plots will have a fundamental bearing on the development economics of the scheme. Site externals, site overheads, and enabling infrastructure costs are fixed and borne by the site developer. The developer will also have borne up front site promotion costs, including planning and acquisition costs. It is unlikely that these costs will be recouped because the plot price a self & custom builder is able to pay is constrained by much higher build costs for self-build. The Council has not modelled the impact on the site developer of not recouping profit otherwise obtainable if the house was built and sold on the open market by the site developer. The Council should also model the worst-case scenarios of unsold plots remaining undeveloped, disruption caused by building unsold plots out of sequence from the build programme of the wider site or returning to site after completion of the wider site.

Policy EN32 Bullet Point (b) is unsound. The Council's policy approach is unjustified and disproportionate to the potential minimal shortfall in provision of self & custom build housing. The impact on viability has not been tested. **Policy EN32 Bullet Point (b)** should be deleted.

Other Policies

Policy EN13 – Design of Buildings / Extensions

Policy EN13 requires under **Bullet Point (h)** parking provision in line with the Countywide parking standards and, where appropriate, incorporation of charging points for electric vehicles.

As set out in the 2019 NPPF for effectiveness, a policy should be clearly written and unambiguous so it is evident how a decision maker should react to development proposals (para 16d). The Council's requirement for electric vehicle charging points (EVCP) should be set out in sufficient detail to determine a planning application without relying on, other criteria or guidelines.

The HBF recognise that electric vehicles will be part of the solution to transitioning to a low carbon future. However, the Council's policy approach is unnecessary because of the Government's proposals to change Building Regulations, **Bullet Point (h) of Policy EN13** should be deleted. The Department of Transport consultation on Electric Vehicle Charging in Residential & Non-Residential Buildings (ended on 7th October 2019) set out the Government's preferred option to introduce a new requirement for EVCPs under Part S of the Building Regulations. The inclusion of EVCP requirements within the Building Regulations will introduce a standardised consistent approach to EVCPs 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 fitted with a universal socket to charge all types of electric vehicle currently on the market.

If **Policy EN13 Bullet Point (h)** is retained, the HBF consider that the physical installation of active EVCPs is unnecessary. The evolution of automotive technology is moving quickly therefore a passive cable and duct approach is a more sensible and future proofed solution, which negates the potential for obsolete technology being experienced by householders. A passive cable and duct approach means that the householder can later arrange and install a physical EVCP suitable for their vehicle and in line with the latest technologies.

The Council's policy approach should not compromise the viability of development. The HBF and its Members have serious concerns about the capacity of the existing electrical network in the UK. The supply from the power grid is already constrained in many areas across the country. Major network reinforcement will be required across the power network to facilitate the introduction of EVCPs and the move from gas to electric heating as proposed under the Future Homes Standard. These costs can be substantial and can drastically affect the viability of developments. If developers are funding the potential future reinforcement of the National Grid network at significant cost, this will have a significant impact on their businesses and potentially jeopardise future housing delivery. The Department for Transport - Electric Vehicle Charging in Residential & Non-Residential Buildings consultation estimated an installation cost of approximately £976 per EVCP plus any costs for upgrading local electricity networks, which under the Government's proposal automatically levies a capped figure of £3,600 on developers. The Council's viability evidence is set out in East Northamptonshire Local Plan Viability Assessment, in which the cost assumption for EVCP is only £625 for schemes of 1 - 9 units, only £500 for schemes of 10 - 99 units and only £250 for schemes of 100 + units. These are under-estimations. Viability is a key issue in determining the soundness of

the LPR at Examination. As stated in the 2019 NPPF, development should not be subject to such a scale of obligations that deliverability of development is threatened (para 34).

Policy EN13 Bullet Point (h) is unsound, which should be deleted.

Conclusions

As set out in the 2019 NPPF, for the East Northamptonshire LPP2 to be found sound under the four tests of soundness, the LPP2 must be positively prepared, justified, effective and compliant with national policy (para 35). The HBF object to **Policies EN13, EN29 and EN32**, which do not pass the tests of soundness. If the Council requires any further assistance or information, please contact the undersigned.

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



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