

Home Builders Federation

Matter 14

BRACKNELL FOREST LOCAL PLAN EXAMINATION

Matter 14: Residential Development Policies

Issue 1: Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the approach towards the provision of housing.

Dwellings with Higher Access standards

2. Does the evidence, within Council's Housing Needs Assessment, and the June 21 Review and Assessment of need for specialised accommodation for older people in Bracknell Forest to 2037, demonstrate an identified need for housing to be constructed to meet Building Regulations Part M at the levels and standards set out in Policy LP22?

The Government confirmed in July of this year in its response to the consultation on accessible homes that they intend to make part M4(2) the mandatory standard for new homes. Therefore, whilst we do not consider the Council to have provided sufficient evidence in line with current policy it is evident that the Government considers these standards to be the minimum requirement for all new homes. If these standards are brought into Building Regulations prior to the completion of this local plan the reference to part M4(2) should be deleted.

However, there is no change to the current approach with regard to M4(3) which will still require evidence to support its inclusion in local plans both in terms of need and viability. Our main concern regarding the evidence relates to the viability as there is no specific viability testing of M4(2) or M4(3). The initial Viability Testing Report (LP/EV/4N) appears to suggest on page 88 that as housing schemes in BCIS are expected to comply with generally similar standards there is no need to include any additional costs for this policy. This assumption cannot be made. Such requirements have to be included a local plan and there is certainly not universal coverage of local plans in the South East, and even then, not all LPs will include such a policy. The additional costs of such homes are high, in the region of £25-30,000 per house and £10-£15,000 per flat¹. These costs must be specifically tested alongside other costs to ensure the cumulative impact does not make development unviable and without it the requirement to provide wheelchair adaptable homes cannot be adopted.

¹ DCLG Housing Standards Review (2014)



3. Specifically, should there be a differentiation between accessible and adaptable wheelchair housing with reference to Part M Category 3 housing? How will such housing be delivered and by whom?

Yes. PPG states at paragraph 56-009 that “Local Plan 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”. As such there should be a distinction made in policy that an requirement for M4(3) in market housing related to wheelchair adaptable homes and not wheelchair accessible ones.

Affordable Housing

4. Is the wording of Policy LP9 effective, clear, and consistent with national policy? Specialist housing

Part 2i of LP9 outlines that relaxation of the requirement for affordable housing will only be considered where a scheme is clearly subject to abnormal costs. However, paragraph 58 of the NPPF indicates that consideration should be given to any change in the in-site circumstances since the plan was brought into force not just a abnormal costs. The policy should be amended to better reflect paragraph 58.

Part 1ii of LP9 states that affordable homes will meet housing need in accordance with the most up to date evidence. The Council should not be requiring development to accord with the most up to date evidence as this could be considered as setting policy outside of the local plan itself. Instead, the Council should state that applicants will have regard to this evidence.

5. Is the wording of Policy LP23 effective, clear, and consistent with national policy? Does the title of the policy unduly restrict those who could benefit from such accommodation? Should proposals which come forward be required to demonstrate an identified need? Should, developments for both C2 and C3 accommodation, contribute to affordable housing?

We could not find any evidence submitted by the Council as to the viability of standalone specialist accommodation for older people providing affordable housing. The Viability Testing Report (LPEV4t) notes in paragraph 4.42 that two sites have been tested that include extra care provision but aside from that it appears no other testing has been carried out. If the Council wants to require specialist housing for older people, either C2 or C3, to provide affordable housing it must have the evidence to show that it is viable. The Council’s latest evidence on viability following the stage 1 hearings (EXAM30A) notes that small and medium sized town centre sites for housing are unviable. Whilst lower density and greenfield typologies show a surplus RLV there remains a concern that specialist accommodation for older people has not been tested and will not be able to deliver affordable housing in line with LP9. Given the lack of evidence we would suggest that the Council removes this requirement from LP 23 and LP 9.

Applicants for such accommodation should not be required to identify that there is a need for such homes in that area given that the Housing Needs Assessment (LPEV2g) identifies at paragraph 6.32 need of 70 units per annum for such accommodation in Bracknell Forest. The need is already identified, and the Council should set out in policy that it has a presumption in favour of supporting such development if it fails to provide sufficient sites to meet identified needs.

6. Should specific sites be allocated for such development?

Ideally the Council should seek to address the need for specialist accommodation through the allocation of specific sites to meet those needs. If such sites are not forthcoming during the preparation of the local plan, then the Council must ensure that its policies actively encourage positive decision making on such schemes

Mark Behrendt MRTPI
Planning Manager – Local Plans SE and E

Home Builders Federation

Matter 16

BRACKNELL FOREST LOCAL PLAN EXAMINATION

Matter 16: Green Infrastructure, Community Uses and Transport Policies

Issue 1: Whether the Plan is justified, effective and consistent with national policy in relation to Green Infrastructure, Community Uses and Transport?

Transport

31. What is the justification for the vehicle and cycle parking standards for new development referred to in Policy LP57? Should the vehicle and cycle parking standards for new development be included in the Plan rather than relying on the Council's Parking Standards Supplementary Planning Document?

Given that the Council states that proposals only have to have regard to parking standards and not apply these then the policy does not seek to impose a standard set outside the local plan and as such there is no requirement to include in the local plan itself. However, to ensure that these are applied flexibly we would recommend that the policy includes a statement outlining the other issues the Council will have regard to parking such as location, access to public transport and viability.

32. Is it sufficiently clear what type of infrastructure and capacity for electric vehicle charging facilities will be required as part of new development proposals under Part 1 of Policy LP57 and under what circumstances? Have the costs associated with this requirement been taken into account as part of the Council's Local Plan viability appraisal?

Given that the level and type of provision for electric vehicle charging are now set out in building regulations we would suggest that reference to such facilities in the policy be removed. Alongside this the HBF would recommend that paragraph 20.22 is amended to remove the current reference to electric vehicles and the following sentence included: "Requirements for electric vehicle charging will be provided for in line with building regulations."

Mark Behrendt MRTPI
Planning Manager – Local Plans SE and E

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Matter 18

BRACKNELL FOREST LOCAL PLAN EXAMINATION

Matter 18: Design Climate Change and Sustainable Development

Relevant Policies - LP15, LP18, LP42, LP43, LP44, LP49, LP50, LP51, LP52, LP53 and Appendix 5

Issue 1: Whether the Plan is justified, effective and consistent with national policy in relation to Design, Climate Change and Sustainable Development?

Sustainable Construction

50. Does Policy LP49 provide an appropriate policy framework for promoting sustainable development and climate change in accordance with paragraphs 153-154 of the Framework? Is the policy justified and effective?

As with all local plans they should be read as a whole. Other policies in the local plan such as LP42 require development to demonstrate that the design layout and organisations of building contribute positive to reducing the impact of climate change in line with 153 and 154 of the NPPF. However, the HBF are concerned that the Council is seeking to require all major development to be net zero carbon. Whilst there is a need to move towards this goal the Government has been clear that it seeks to achieve this through building regulations and the Future Homes Standard and not through individual local plans.

51. Is the requirement under Part 1i of Policy LP49 that all major new build residential development will be net zero carbon for regulated emissions justified by available, up-to-date evidence? Is this approach consistent with national policy?

In considering this policy it is necessary to consider the Government's approach to reducing the carbon emissions in new development and indeed to technical standards in general. The overarching approach taken to technical building standards is that they should be addressed through building Regulations aside from those optional standards set out in PPG. However, there was some flexibility in this approach in relation to energy efficiency standards with the Government allowing through the Ministerial Statement in March 2015 higher energy efficiency standards but capping these at what is required to achieve energy performance standards equivalent to those in level 4 of

the Code for Sustainable Homes. In March 2019 the Government amended Planning Practice Guidance through the introduction of paragraph 6-012 to provide clarity on the scope for local plans to set higher energy performance standards than building regulations. This paragraph confirms that that local authorities can:

“...set energy performance standards for new housing or the adaptation of buildings to provide dwellings, that are higher than the building regulations, but only up to the equivalent of Level 4 of the Code for Sustainable Homes.”

This paragraph goes on to note that this is approximately a 20% improvement on building regulations. The Government have therefore been clear as to what can be delivered through local plans.

What has always been the case is the Government's preference to try and address this through building regulations. This preference can be seen in the consultation and introduction of new Part L of the Building Regulations which will require all new homes to deliver a 27% reduction in CO₂ emissions compared to the 2013 building regulations. Following this interim uplift to energy efficiency of new homes the Government intends to implement the Future Homes Standard from 2025 which will ensure that new homes will produce at least 75% lower CO₂ emissions than one built to previous energy efficiency requirements. By delivering carbon reductions through the fabric and building services in a home rather than relying on wider carbon offsetting, the Future Homes Standard will ensure new homes have a smaller carbon footprint than any previous Government policy. In addition, this footprint will continue to reduce over time as the electricity grid decarbonises.

What is evident from Government policy on technical standards is that it is ensuring a transition to a low carbon future and the legislative goals it has set in relation to zero carbon. It is also evident that it is using building regulations to ensure this transition in relation to new housing and that whilst it recognises in paragraph 152 the importance of planning in this transition this is with regard to place shaping rather than setting technical standards above those required by building regulations. This approach is one that is being supported by the HBF which in autumn 2020, established a Future Homes Task Force to develop workable solutions for the delivery of the home building industry's contribution to meeting national environmental targets and objectives on Net Zero. Early collaborative work is focussed on tackling the challenges of implementing the 2021 and 2025 changes to Building Regulations successfully and as cost-effectively as possible, in particular providing information, advice and support for SME developers and putting the customer at the centre of thinking.

As such the HBF do not consider policy LP49 to be consistent with national policy. Firstly, the requirement for major development to be zero carbon or development of is not consistent with paragraph 61-012 of PPG. A requirement for zero carbon goes well beyond the maximum requirements in this paragraph and the new building regulations and therefore cannot be consistent with national planning policy. Similarly, the flexibility set out in paragraph 19.4 of the supporting text that where net zero is not achievable

a 35% improvement and financial contribution to offset the remaining emissions is inconsistent with national policy and should also be deleted and the wider supporting text amended to reflect the Government's approach to improving the energy efficiency of new homes. The 35% goes beyond building regulations and there is no scope for carbon offsetting in national planning policy.

52. Are the requirements under Part 1ii of Policy LP49 for the reduction of carbon emissions beyond the Building Regulations for all minor new build residential development justified and consistent with national policy, particularly in light of the changes to Part L of the Building Regulations that came into effect on 15 June 2022?

Part 1ii of the policy should be deleted as it has been superseded by the latest building regulations and is no longer necessary.

53. Is the water efficiency standard of 110 litres/person/day or any updated standard in Part 1iii of Policy LP49 justified by available, up-to-date evidence? Is this approach consistent with national policy?

The policy should not refer to an updated standard for two reasons. Firstly, the standard may require additional evidence of need or viability and as such could only be adopted through a targeted review and examination of that policy. Secondly if the requirement was part of building regulations, then the higher requirement in building regulations would automatically apply and as such there is no need to make reference to a review of part G of the Building Regulations.

54. What is the justification for requiring non-residential development of 500 sqm or more, under Part 1iv of Policy LP49 to perform against BREEAM 'excellent' or equivalent standard? What is the threshold based on? Is this approach consistent with national policy?

No comment

55. Is the wording in Policy LP49 sufficiently flexible to ensure that the policy does not undermine the viability and delivery of development in the Plan area? Have the requirements and costs associated with Policy LP49 been tested, alongside other policy requirements in the Plan? Is the policy justified and effective?

As set out above the Council should not be seeking to impose standards above building regulations. The Government are implementing a transitioned approach to improving the energy efficiency of new homes through building regulations and the Council should not seek to impose additional requirements through planning policy.

Mark Behrendt MRTPI
Planning Manager – Local Plans SE and E

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Matter 19

BRACKNELL FOREST LOCAL PLAN EXAMINATION

Matter 19: Conservation and Enhancement of the Natural, Built and Historic Environment, including Landscape

Relevant Policies - LP37, LP45, LP46, LP47 and LP48 Natural Environment

Issue 1: Whether the policies of the Plan conserve and enhances the Natural Environment?

Biodiversity

65. Is Policy LP46, and the approach to biodiversity including to biodiversity net gain (BNG) justified, effective and consistent with national policy? Would it add clarity if the BNG element of the policy was separated from consideration of how developments are to be determined in relation to the mitigation strategy and the existing habitat and ecological networks? To what extent do the criteria provide clarity as to how proposals will be determined? Should it be made explicit what is suitable for different types or scale of development, if so, where, and how?

Now that the Environment Act 2021 is part of statute and the 10% net gain included within the Act a legal requirement for development to deliver it is unnecessary to repeat it in this policy as indicated in paragraph 16 of the NPPF. The assumption that must be made by decision makers is that a 10% net gain will be achieved and for the developer to provide the necessary evidence to the relevant planning authority for approval prior to commencement rather than as part of the approval for planning permission. The mechanisms governing this will also be set out in the relevant supporting legislation and guidance and setting out similar principles in policy prior to these being finalised could create confusion should it not be consistent.

The HBF would argue that the parts of policy relating to achieving net gain are therefore no longer required as it is not part of the decision-making process as to the suitability of site for development but a pre-commencement condition on all applications. We would therefore suggest that parts 1, 5 and 6 are removed and that part 2i is amended to remove reference to biodiversity net gains. At the very least the Council should

amend part 1 to state that they will deliver net gain in line with legislation, including its formal commencement 2 years from the date on which the Act achieved royal assent.

Mark Behrendt MRTPI

Planning Manager – Local Plans SE and E