

## Matter 11 - Development Management Policies

### People - Policies DM1-DM11

#### Policy DM3: Housing Mix, Standards and Densities

##### **10. Is the policy justified, effective and consistent with the Framework?**

##### **11. What assessment has been undertaken to consider the potential impact of the application of the Nationally Described Space Standards or on Starter Home provision?**

- 11.1. The NDSS as introduced by Government, are intended to be optional and can only be introduced where there is a clear need and they retain development viability. As such they were introduced on a 'need to have' rather than a 'nice to have' basis.
- 11.2. PPG<sup>1</sup> identifies the type of evidence required to introduce such a policy. It states that *'where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:*
- **Need** – *evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.*
  - **Viability** – *the impact of adopting the space standard should be considered as part of a plan's viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.*
  - **Timing** – *there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions'.*
- 11.3. The Council will need robust justifiable evidence to introduce the NDSS, based on the criteria set out above. The HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional. The HBF is concerned that the Council has not provided the evidence to support this requirement.

##### **12. Does the policy apply to conversions and subdivisions of buildings?**

- 12.1. The policy currently states all new dwellings which would suggest it would apply to conversions and sub-divisions.

##### **13. What justification is there for requiring higher water efficiency standards in the borough, an area not currently identified as being 'water stressed'? Is the standard of 110 litres/person/day justified on available, up-to-date evidence? Have the costs associated with this requirement been taken into account as part of the Council's assessment of viability?**

- 13.1. The Building Regulations require all new dwellings to achieve a mandatory level of water efficiency of 125 litres per day per person, which is a higher standard than that achieved by much of the existing housing stock. This mandatory standard represents an effective demand management measure. The Optional Technical Housing Standard is 110 litres per day per person.

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<sup>1</sup> PPG ID: 56-020-20150327

13.2. As set out in the NPPF<sup>2</sup>, 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. Therefore, a policy requirement for the optional water efficiency standard must be justified by credible and robust evidence. If the Council wishes to adopt the optional standard for water efficiency of 110 litres per person per day, then the Council should justify doing so by applying the criteria set out in the PPG. PPG<sup>3</sup> states that where there is a 'clear local need, Local Planning Authorities (LPA) can set out Local Plan Policies requiring new dwellings to meet tighter Building Regulations optional requirement of 110 litres per person per day'. PPG<sup>4</sup> also states the 'it will be for a LPA to establish a clear need based on existing sources of evidence, consultations with the local water and sewerage company, the Environment Agency and catchment partnerships and consideration of the impact on viability and housing supply of such a requirement'. The Housing Standards Review was explicit that reduced water consumption was solely applicable to water stressed areas. The North West and Blackburn are not considered to be an area of Water Stress as identified by the Environment Agency<sup>5</sup>. Therefore, the HBF considers that requirement for optional water efficiency standard is not justified nor consistent with national policy in relation to need or viability and should be deleted.

**14. What is the justification for requiring at least 20% of all new dwellings as Category 2 standard for residential schemes of 10 or more dwellings? What is the threshold based on?**

14.1. The PPG<sup>6</sup> identifies the type of evidence required to introduce a policy requiring the M4 standards, 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. The HBF does not consider that the Council have provided sufficient evidence for this policy to be considered justified or consistent with national policy.

14.2. However, it is noted that the Government response to the Raising accessibility standards for new homes<sup>7</sup> states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. The NPPF<sup>8</sup> confirms that Local Plans should avoid unnecessary duplication.

**15. What is the justification for requiring the provision of 5% of new homes to be Category 3 wheelchair accessible (or easily adaptable)? Is this consistent with Planning Practice Guidance?**

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<sup>2</sup> Paragraph 31

<sup>3</sup> ID: 56-014-20150327

<sup>4</sup> ID: 56-015-20150327

<sup>5</sup> 2021 Assessment of Water Stress Areas Update: <https://www.gov.uk/government/publications/water-stressed-areas-2021-classification>

<sup>6</sup> ID: 56-007-20150327

<sup>7</sup> <https://www.gov.uk/government/consultations/raising-accessibility-standards-for-new-homes/outcome/raising-accessibility-standards-for-new-homes-summary-of-consultation-responses-and-government-response#government-response>

<sup>8</sup> NPPF 2021 Paragraph 16f.

- 15.1. The PPG<sup>9</sup> identifies the type of evidence required to introduce a policy requiring the M4 standards, 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. The HBF does not consider that the Council have provided sufficient evidence for this policy to be considered justified or consistent with national policy.
- 15.2. The Council should also note that the Government response to the Raising accessibility standards for new homes<sup>10</sup> states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes. M4(3) would continue to apply as now where there is a local planning policy in place and where a need has been identified and evidenced.
- 16. *How have the costs associated with the requirements in Policy DM3 been considered as part of the Plan's preparation?***
- 16.1. The Viability Study has included costs of £1,400 per house for M4(2) and £6,100 per house for M4(3a).
- 17. *How does the Plan account for situations where it may not be suitable or viable to provide adaptable and accessible homes? Is the policy effective?***
- 17.1. The HBF does not consider that the Plan accounts for situations where it may not be suitable or viable to provide adaptable and accessible homes. The PPG<sup>11</sup> sets out specific factors that local plan policies should take into account in relation to the M4 requirements these include 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. The HBF consider that if the policy is to be amended it would be beneficial for all of these elements could be taken into consideration.
- 18. *In terms of density is the policy sufficiently flexible to take account of site context, local character etc?***
- 18.1. This policy expects a density of 45dph in town centres and other locations well served by public transport, with densities of 30-35dph in other locations. The flexibility provided by this policy in relation to certain exceptions is noted, this will allow developers to react to some site-specific issues such as heritage assets or local character. However, further amendments could be made to create greater flexibility to allow developers to take account of the evidence in relation to market aspirations and demands. The Council will also need to consider its approach to density in relation to other policies in the plan and those set nationally, policies in relation to open space provision, housing design and space standards, SuDs, biodiversity, future homes standard, trees and parking provision can all impact upon the density which can delivered upon site.

**Policy DM5: Affordable Housing and Rural Exception Sites**

**20. *Is the policy justified, effective and consistent with the Framework?***

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<sup>9</sup> ID: 56-007-20150327

<sup>10</sup> <https://www.gov.uk/government/consultations/raising-accessibility-standards-for-new-homes/outcome/raising-accessibility-standards-for-new-homes-summary-of-consultation-responses-and-government-response#government-response>

<sup>11</sup> PPG: 56-008-20160519

- 20.1. The HBF considers that the requirement for at least 25% of affordable homes to be First Homes is appropriate and in line with the requirements of the NPPF. However, the HBF is concerned how this policy sits with the requirement of the NPPF<sup>12</sup> for major development involving the provision of housing to provide at least 10% of the total number of homes as affordable home ownership. This suggests that at least 50% of the 20% affordable housing requirement should be for affordable home ownership, which could include First Homes, unless there is evidence to suggest that this requirement would significantly prejudice the ability to meet the identified housing needs of specific groups.
- 20.2. It is noted that the Viability Study (Jan 2022) has included consideration of the affordable housing requirement based on a tenure split of 50% affordable rent, 25% shared ownership and 25% First Homes. However, it may be that alternate mixes are found to be more appropriate based on this policy.
- 21. *What is the relationship between Policies CP4 and DM5 in terms of affordable housing? Would it be more effective if the affordable housing element of Policy DM5 was merged with Policy CP4?***
- 21.1. The HBF considers that the relationship between this policy CP4 is not clear. The HBF considers it would be more effective if the affordable housing element of Policy DM5 was included within Policy CP4 instead.
- 22. *What is the justification for requiring a maximum 50% of market housing on rural exception sites?***

## **Place - Policies DM12- DM29**

### **Policy DM12: Clean and Green Energy**

**37. *What is the justification for requiring a BREEAM good rating in commercial development over 2500sqm?***

**38. *How has viability been considered? Is the policy sufficiently flexible to take account of proposals where due to the type of development proposed or its design, it would be unable to meet this requirement?***

38.1. The Viability Study suggests that this policy has been considered and that the base construction costs and hence the viability testing is inclusive of the costs associated with the new building regulation requirements. This policy states that the Council will encourage enhanced emissions reduction from new development through energy efficiency measures above the Building Regulations requirements, connection to a heat network and incorporation of renewable and low carbon energy infrastructure. Given that the policy is potentially looking for development to go above the Building Regulations and includes additional requirements it is not clear if the policy has been fully considered in the Viability Study.

38.2. The Council will be aware that the Government has recently published the new Building Regulations for Part L, F and S in relation to conservation of fuel and power, ventilation and Electric Vehicle Charging and has already consulted on the Future Homes Standard. And as such there are now nationally set standards for domestic dwellings in relation to carbon emissions. The HBF would strongly recommend that the Council looks to work with these nationally defined standards and does not seek to repeat them or amend them within their

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<sup>12</sup> NPPF 2021 paragraph 65

planning policy. The HBF is also concerned as to how these policies requirements would be monitored. The HBF recommends that these policy requirements are deleted.

*39. How have the findings of the Wind Energy report been used to define the areas potentially suitable for Wind Energy Development identified on the Policies Map?*

**Policy DM15: Biodiversity**

**48. What is the justification for the policy requiring a demonstration of Biodiversity Net Gain in all new developments? Is it clear which proposals this would not apply to?**

48.1. The HBF would recommend that the policy refers to the requirements of the Environment Act and associated emerging regulations and guidance. The HBF is concerned that as proposed the policy has potential to contradict the nationally set requirements, especially in relation to the need for all new developments to demonstrate biodiversity net gain, when it is likely that there will be exceptions to this requirement.

*49. What is the justification for referring to Nature Recovery Networks duplicating new legislation in the Environment Act 2021 and subject to emerging regulations?*

**50. Do Policies CP6 and DM15 duplicate policy requirements? Should they be revised to avoid this overlap?**

50.1. The HBF considers that there is some overlap between policies for CP6 and DM15 and they may need to be revised to avoid this overlap.

**Policy DM17: Trees and Woodland**

**52. What is the justification for requiring compensatory tree planting at the ratio of at least 3:1? Has this been assessed in terms of scheme viability?**

52.1. The HBF is not aware of the evidence that the Council has to support the requirement for tree replacement at this level and recommend that this requirement is removed.

*53. Would the policy be effective? Does it sufficiently reflect the supporting text which suggests that each development would be assessed on a case-by-case basis?*

**Policy DM29: Transport and Accessibility**

**76. Does the policy require modification in the light of changes to the Building Regulations (Approved Document S: infrastructure for charging electric vehicles)?**

76.1. The HBF is concerned around the uncertainty of this policy in relation to the requirements for charging points in accordance with the Council's latest standards. The HBF considers that now that the Building Regulations are in place in relation to charging points the Council does not need to introduce their own alternative requirements which are over and above these which may create confusion and unnecessary duplication of requirements.

**77. Having regard to the Government's approach to technical housing standards, should the review of car parking standards contemplate requirements over and above the building regulations?**

77.1. The HBF does not consider that the Council should include requirements in relation to charging points over and above those within the Building Regulations.

*78. Is part 2 of the policy consistent with paragraph 110 of the Framework?*