

Planning Policy
Harrogate Borough Council
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SENT BY EMAIL
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Dear Sir / Madam,

HARROGATE DISTRICT LOCAL PLAN PUBLICATION DRAFT

Thank you for consulting with the Home Builders Federation on the Harrogate District Local Plan Publication Draft.

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 Council will be aware that the HBF provided comments upon the previous drafts of the plan, dated 23rd August 2017, 22nd December 2016 and 28th August 2015.

Duty to Cooperate

The Harrogate District Local Plan Duty to Cooperate sets out that the housing market is complex and includes relationships with Hambleton, Richmondshire and York. It goes on to highlight that the key strategic issues identified relate to the overall level of housing provision and the associated infrastructure required to support the level of new homes needed. The paper states that there is no unmet housing need to be accommodated in neighbouring areas and that none of the neighbouring authorities have formally approached the Council about accommodating any of their housing need in Harrogate district.

Whilst the HBF are happy that a report has been prepared on the Duty to Cooperate, it has not alleviated many of our concerns; including the need to ensure that the report identifies issues, outcomes of engagement not just consultation and the actions that have been taken. The PPG is clear that *'the duty requires active and sustained engagement. Local planning authorities and other public bodies must work together constructively from the outset of plan preparation to maximise the*

effectiveness of strategic planning policies. It is unlikely that this could be satisfied by consultation alone'.

Vision and Objectives

As previously, the HBF is generally supportive of the visions and objectives set out in the Local Plan however, there remain concerns that some of the policies within the plan are not fully compliant with meeting the vision and objectives.

Policy GS1: Providing New Homes and Jobs

Policy GS1 is not considered to be sound as it is not positively prepared or justified for the following reasons:

GS1 proposes a minimum of 14,049 new homes over the plan period from 2014 to 2035, this equates to 669 dwellings a year. As set out in our letter of 23rd August 2017, the Council welcomes the increase from the previous 2016 document, however, it is still considered that this figure has been suppressed by some of the assumptions made within the HEDNA.

The HBF is also generally supportive of the identification of the housing requirement as a minimum.

HBF propose that the policy is modified as follows:

- That the Council give further consideration to the assumptions made in calculating the OAN.

HS1: Housing Mix and Density

Policy HS1 is not considered to be sound as it is justified, effective or consistent with national policy for the following reasons:

The policy has three key elements; housing mix, adaptable homes and density.

Housing Mix

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

The HBF would also continue to highlight the need for creating a housing market that will attract investors to the Harrogate area, and to provide an element of aspiration to ensure working families are retained within the area.

Adaptable Homes

This policy looks for development of 10 or more dwellings to provide 25% of the market units as accessible and adaptable homes, subject to site suitability and viability.

The HBF is supportive of providing homes for older and disabled persons. We also note the evidence provided within the HEDNA in relation to the likely future needs of older, people with long term health problems and disabilities, and disabled people. The Written Ministerial Statement dated 25th March 2015 stated that 'the optional new national technical standards should only be required through any new Local

Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG'. If the Council wishes to adopt the higher optional standards for accessible & adaptable homes the Council should only do so by applying the criteria set out in the PPG. PPG (ID 56-07) identifies the type of evidence required to introduce such a policy, including the likely future need; the size, location, type and quality of dwellings needed; the accessibility and adaptability of the existing stock; how the needs vary across different housing tenures; and the overall viability. It is incumbent on the Council to provide a local assessment evidencing the specific case for Harrogate which justifies the inclusion of optional higher standards for accessible and adaptable homes. It is noted that for example in relation to the proportion of existing stock that is accessible or adaptable this data is based on national information. It is not clear, how this provides additional justification as to why Harrogate should be treated any differently from any other local authority. This is also highlighted within the conclusions of this document which states that Harrogate has a low level of disability when compared to other areas.

Paragraph 173 of the NPPF established the importance of viability testing to ensure that the sites and scale of development identified in the Plan should not be subject to such scale of obligations and policy burden that their ability to be developed might be threatened. The proportion of accessible and adaptable homes is above the 10% tested within the Whole Plan Viability Assessment, which makes it difficult to determine if this policy is viable or not.

The Council should be mindful that it is unrealistic to negotiate every site on a one by one basis because the base-line aspiration of a policy or combination of policies is set too high as this will jeopardise future housing delivery. Therefore, site by site negotiations on these sites should occur occasionally rather than routinely.

The HBF does not consider that this policy is required, it is considered that local needs can be met without the introduction of the optional housing standards. However, if the Council wish to pursue this policy the HBF recommends the Council ensure that an appropriate evidence base is available to support this policy in line with that set out in the PPG and that an appropriate viability clause is incorporated within the policy.

Density

This policy also states that new housing development will be expected to achieve a minimum density of 30 dwellings per hectare.

Whilst the NPPF, paragraph 47, does indicate local authorities can set out their own approach to housing density this should be based upon local circumstances and not harm the overall objective of boosting significantly housing supply. The HBF recommends the Council ensure that the appropriate evidence is available to support this policy.

The flexibility provided by this policy in relation to certain exceptions is noted, this will allow developers to react to some local site characteristics and demand. However, further amendments could be made to create greater flexibility to allow developers to

take account of the evidence in relation to local site characteristics, market aspirations and viability.

The Council will also need to consider its approach to density in relation to other policies in the plan. Policies such as open space provision, space standards and parking provision will all impact upon the density which can be delivered upon site.

HBF propose that the policy is modified as follows:

- The HBF recommend that the requirement for 25% accessible and adaptable homes is removed, or if retained that the evidence base is provided to justify this level of requirement and to demonstrate that it is viable.
- The HBF recommend that further flexibility is included within the policy in relation to the mix of housing and the density of development.

HS2: Affordable Housing

Policy HS2 is not considered to be sound as it is not considered to be justified or effective for the following reasons:

This policy looks for greenfield developments to provide 40% affordable housing and brownfield developments to provide 30%. The policy also requires all affordable housing to be built to accessible and adaptable standards and for 10% of these to be built as wheelchair user homes.

The HBF does not dispute the need for affordable housing within Harrogate and indeed supports its provision. This need must, however, be balanced against the viability implications of delivering the policy requirements. The Council will be aware that the HBF has previously submitted comments upon the Whole Plan Viability Assessment and for brevity these are not repeated here. However, the concerns raised previously have not been addressed even with amendments to the policy. The HBF still consider that the evidence provided within the Viability Assessment highlights the issues of the viability of the affordable housing requirement, and particularly so in Ripon.

It is noted that a viability clause is included within this requirement. Whilst this is supported it should not be used as a mechanism to justify an unsustainable affordable housing target. The HBF recommends that the Council considers its evidence further and amends the affordable housing targets accordingly. This may require variable contributions based upon geography and / or other criteria.

This policy goes on to state that *'subject to site suitability affordable dwellings should be built to be accessible and adaptable homes, and within this 10% should be built as wheelchair user homes'*. As set out in HS1 the HBF are supportive of the provision of homes for older and disabled persons. However, in order for these policies to be put in place, the Council need to ensure that they have the appropriate evidence to do so, in line with PPG (ID: 56-007). It needs to be clear within the evidence why the provision of all affordable homes at these higher standards is justified. PPG is also clear 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 (ID: 56-009). Therefore, there will need to be a clear

policy for how the Council will work with developers and housing associations to deliver these homes.

HBF propose that the policy is modified as follows:

- The HBF recommend that the affordable housing requirement is amended to better reflect the evidence.
- The HBF recommend the Council ensure they have the appropriate evidence to support the introduction of this policy or that the elements that are not justified are deleted from the policy.

HS3: Self and Custom Build Housing

Policy HS3 is not considered to be sound as it is not positively prepared or effective for the following reasons:

This policy looks for sites of 500 dwellings or more to provide at least 5% of dwelling plots for sale to self-builders, subject to demand being identified. The justification goes on to state that *'plots that have been made available and marketed appropriately for at least 12 months and have not sold, may be built out by the developer'*.

In principle the HBF is supportive of self-build & custom build for its potential contribution to overall housing supply. The HBF would recommend appropriate evidence is collated to ensure that house building delivery from this source provides an additional contribution to boosting housing supply. This is likely to include engaging with landowners and working with custom build developers to maximise opportunities.

HS4: Older People's Specialist Housing

Policy HS4 is not considered to be sound as it is not justified or effective for the following reasons:

This policy requires C3 older people's specialist housing to provide affordable housing in line with Policy HS2. As set out previously, the HBF have concerns in relation to HS2, these will also apply in relation to this policy. Particularly in relation to the viability of the requirement for development that includes older people specialist housing.

HBF propose that the policy is modified as follows:

- The HBF recommend that the affordable housing requirement is amended to better reflect the evidence.

HS5: Space Standards

Policy HS5 is not considered to be sound as it is not justified or consistent with national policy for the following reasons:

This policy requires all new market and affordable homes to meet the relevant nationally described space standard (NDSS) as a minimum.

In 2013, the Housing Standards Review (the Review) was launched which sought to simplify and rationalise the raft of housing standards which local authorities applied to development. At the heart of the Review was a desire to reduce developer costs and

create attractive conditions to significantly boost housing delivery. The industry was heavily involved in the Review.

The outcome of the Review was the establishment via Building Regulations of mandatory baseline standards which apply nationwide to all developments. The Government also created a series of enhanced Optional Standards relating to access and water, along with a new optional national standard on internal space. All of these are implemented through planning but access and water are optional Building Regulations and Space Standards are planning only.

The Government have confirmed that the enhanced standards were intended to be optional and that they would only be needed and viable in certain local circumstances. Otherwise, they would have been made mandatory in Building Regulations across the country. The standards could only be introduced via a new Local Plan and to do so, clear evidence of need had to be demonstrated and impact upon viability had to be considered.

The 25th March 2015 Written Ministerial Statement stated that *'the optional new national technical standards should only be required through any new Local plan policies if they address a clearly evidence need, and where their impact has been considered, in accordance with the NPPF and Planning Guidance'*.

PPG (ID 56-020) 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'.

The Council will need robust justifiable evidence to introduce any of the optional housing standards, based on the criteria set out above. The Housing Background Paper provides some limited information in relation to recently built properties. The HBF recommends the Council ensure that the appropriate evidence is available to support this policy in line with that set out in the PPG. For example, at present the evidence has only considered 112 new homes, the HBF would expect the evidence to have covered significantly more dwellings over a longer time period. It is also considered that just collating evidence of the size of dwellings completed does not in itself identify need. It would be expected that the evidence would include market indicators such as quality of life impacts or reduced sales in areas where the standards are not currently being met. It is clear that this policy should not be

included within a plan without the evidence that it is needed, that it is viable and without an appropriate transitional period.

The HBF consider that standards can, in some instances, have a negative impact upon viability, increase affordability issues and reduce customer choice. In terms of choice some developers will provide entry level two, three and four-bedroom properties which may not meet the optional nationally described space standards but are required to ensure that those on lower incomes can afford a property which has their required number of bedrooms. The industry knows its customers and what they want, our members would not sell homes below the enhanced standard size if they did not appeal to the market.

As above, it is considered that the Council should take into consideration any implications the requirements of this policy may have on the viability of a development. Paragraph 173 of the NPPF established the importance of viability testing to ensure that the sites and scale of development identified in the Plan should not be subject to such scale of obligations and policy burden that their ability to be developed might be threatened.

The HBF does not consider that this policy is required, it is considered that local needs can be met without the introduction of the optional housing standards. However, if the Council wish to pursue this policy the HBF recommends the Council ensure that an appropriate evidence base is available to support this policy in line with that set out in the PPG, and that consideration is given to the viability impacts of the requirements of this policy.

The HBF supports the stance taken in the Housing Background Paper that there is no justification for the inclusion of a higher standard for water efficiency in Harrogate.

HBF propose that the policy is modified as follows:

- The HBF recommend that this policy is deleted.

T15: Telecommunications

Policy T15 is not considered to be sound as it is not effective or consistent with national policy for the following reasons:

This policy requires all new development to enable Fibre to the Premise where viable, and where it cannot be demonstrated that the provision of Fibre to the Premise is viable, proposals should provide a minimum download connection of 24Mbps and incorporate suitable infrastructure to support delivery of Fibre to the Premise at a future date.

The HBF generally consider that digital infrastructure is an important part of integrated development within an area. However, the inclusion of digital infrastructure such as high-speed broadband and fibre is not within the direct control of the development industry, and as such it is considered that this policy could create deliverability issues for development and developers. Service providers are the only ones who can confirm access to infrastructure. Whilst, paragraphs 43 to 46 of the NPPF establishes that local planning authorities should seek support the expansion of electronic communications networks it does not seek to prevent development that does not have access to such networks. The house building industry is fully aware of

the benefits of having their homes connected to super-fast broadband and what their customers will demand.

The HBF consider that in seeking to provide broadband and fibre to homes the Council should work proactively with telecommunications providers to extend provision and not rely on the development industry to provide for such infrastructure.

HBF propose that the policy is modified as follows:

- The HBF recommend that parts (D) and (E) of this policy are deleted.

DM1: Housing Allocations

The HBF does not wish to comment upon the acceptability or otherwise of individual sites. It is, however, important that all the sites contained within the plan are deliverable over the plan period.

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

It is important that the plan should seek not only to provide sufficient development opportunities to meet the housing requirement but also to provide a buffer over and above this requirement. The reasons for the inclusion of such a buffer are two-fold. Firstly, the NPPF is clear that plans should be positively prepared, aspirational and significantly boost housing supply. In this regard the housing requirements set within the plan should be viewed as a minimum requirement, this interpretation is consistent with numerous inspectors' decisions following local plan examination. Therefore, if the plan is to achieve its housing requirement as a minimum, it stands to reason that additional sites are required to enable the plan requirements to be surpassed. Secondly, to provide flexibility. A buffer of sites will therefore provide greater opportunities for the plan to deliver its housing requirement. The HBF recommend a 20% buffer of sites be included within the plan.

Future Engagement

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

The HBF would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided below for future correspondence.

Yours sincerely,



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