

County Durham Plan

SENT BY EMAIL
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08/03/19

Dear Sir / Madam,

COUNTY DURHAM PLAN: PRE-SUBMISSION DRAFT CONSULTATION

Thank you for consulting with the Home Builders Federation on the Durham Plan Pre-Submission draft consultation document.

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 industry is keen to work with the Council to ensure a sound plan is produced which facilitates the delivery of an appropriate number of homes across the County. With this in mind we would also welcome further engagement with the industry throughout the production of the plan.

Spatial Vision for County Durham

The HBF generally supports the introductory statement which states that '*by 2035 County Durham will have a thriving economy, reducing levels of deprivation, social exclusion and joblessness with the associated health and quality of life improvements*' and the line that states there will be a '*well designed range and choice of good quality housing, . . . complementing and contributing to the area's thriving economy and meeting the needs of all existing and future residents*'. It is, however, considered that the vision could be improved by greater reference to the different spatial elements of the county and how they are anticipated to develop to meet particular issues and aspirations. The objectives do begin to pick up such issues, but these should be augmented to ensure the plan is locally specific and provides a true vision for Durham.

Objectives

The HBF generally consider that objective 1 in relation to economic ambition and 3 in relation to housing need are appropriate and would highlight the importance balancing this economic ambition with appropriate housing provision and the need to

deliver new, high quality housing that meets the needs and aspirations of County Durham's residents.

Sustainable Development Statement

The HBF considers that the principle to secure balanced communities through economic growth supported by an appropriate scale and mix of housing is generally appropriate for Durham.

Policy 1: Quantity of New Development

The HBF does not consider that Policy 1 is sound, as it is not justified or positively prepared for the following reasons:

This policy sets out the level of development proposed up to 2035. It suggests 24,852 homes should be provided, this equates to 1,308 homes each year. This is lower than the figure proposed in the Preferred Options which equated to 1,368. Although both have been based on the CLG Standard Methodology with an adjustment for market signals.

The housing figure in the Pre-Submission document is intended to reflect past delivery, which the Council asserts will maintain recent momentum in the Durham economy.

The CLG figure is significantly below any of the options previously consulted upon at the Issues and Options stages (Population Growth Short Term: 1,533 dpa, Population Growth Combination: 1,629 dpa and Population Growth Long Term: 1,717 dpa). The demographic forecasts paper explored a number of scenarios including those in relation to migration and household formation, these issues will not have been considered within the CLG methodology, and will presumably remain issues not to be addressed through the new housing requirement. The HBF consider that this raises concerns with the use of the CLG methodology without any further consideration. The HBF also have concerns that the proposed housing requirement does not represent an appropriate figure once consideration is given to the potential for economic growth and job formation. The HBF continue to consider that an appropriate balance should be sought between employment growth aspirations and the provision of homes.

It is also noted that there has been a precedent in recent years of Inspectors agreeing with appellants at appeals in relation to the OAN for Durham, for example the appeal at land at the former Sedgefield Community Hospital¹ where the Inspector favoured the 1,629dpa figure or Land to the east of Woodham Burn and west of the A167² where the Inspector considered that the housing numbers may well need to be uplifted above the 1,368 dpa figure in order to align with the EAR aspiration.

Whilst the justification (para. 4.17) does suggest that this is a minimum and not a ceiling and that housing completions could exceed this, this is not set out in the policy itself. The policy may benefit from greater clarity in relation to the figure being a net

¹ Land at the former Sedgefield Community Hospital, Salters Lane, Sedgefield (App/X1355/W/16/3163598)

² Land to the east of Woodham Burn and west of the A167, Newton Aycliffe (APP/X1355/W/17/3180108)

figure and a minimum for example *'the following levels of development are proposed up to 2035: . . . a minimum of xx,xxx net new homes of mixed type, size and tenure.*

Delivering the New Housing Required

The justification identifies that a proportion of this housing target is already committed, although it does highlight that not all of these commitments will come forward during the Plan period. Paragraph 4.20 states that based on their assessment an average of 17% of developments between 2011/12 and 2014/15 lapsed, however, it then goes on to consider a 10% lapse rate appropriate. The HBF consider that given the evidence provided a higher lapse rate would be more appropriate.

The Council also intend to make an allowance of 80 dwellings each year for windfall development, this is a reduction from 130 dwellings a year previously proposed. It is noted, that paragraph 4.22 states that over the past five years small sites (under 0.4ha / 12 houses) have delivered an average of 117 houses each year. However, the HBF would expect the level of housing delivery from windfall development to decrease following the adoption of the Local Plan as more sites (including those of less than 0.4ha or 12 dwellings) will have been identified and adopted in the plan, thereby reducing the reliance on smaller windfall sites. The Council have agreed with this and have reduced this to the 80 dwellings each year. Whilst the HBF support the reduction in the windfall allowance, the HBF would continue to recommend that the windfall allowance should be removed and instead accepted as an additional flexibility in the supply. It is noted that there is no allowance for larger windfall developments.

The Council also intend to make an allowance of 40 dwellings a year, to allow for the bringing back into use of empty homes, this is a reduction from the 50 dwellings a year previously. Paragraph 4.24 suggests around 34 homes a year have been bought back into use, and goes on to state that it is difficult to do anything more than estimate the future impact on housing supply. The HBF continues consider that due to the lack of robust evidence that empty homes will be brought back in to use that this should only provide flexibility to the supply and should not be included within the supply at this stage. The PPG is clear (ID 3-039) that *'any approach to bringing empty homes back into use and counting these against housing need would have to be robustly evidenced by the local planning authority at the independent examination of the draft Local Plan, for example to test the deliverability of the strategy and to avoid double counting (local planning authorities would need to demonstrate that empty homes had not been counted within their existing stock of dwellings when calculating their overall need for additional dwellings in their local plans)'*.

Paragraph 4.26 suggests that over the past five years there have been on average 35 demolitions each year, this is lower than the 75 demolitions each year suggested by the previous consultation document. Which suggests that over the longer term period there have been more demolitions than over the last five years, however, no detail has been provided as to why this may be the case. The Council intends to make an allowance for 40 homes a year through demolition, this is lower than the 50 dwellings that had been previously consulted upon. The HBF considered that the 50

dwellings was too low and continues to consider that the 40 homes is too low based on longer term evidence.

Table 2 sets out how the Council have taken these allowances into account in order to identify the number of dwellings to be allocated (5,323 dwellings).

The HBF considers that the policy should be modified as follows in order to make the document sound:

- *The Council should give further consideration to the assumptions made in calculating the OAN.*
- *The policy would benefit from greater clarity in relation to the figure being a net figure and the text amended to state 'the following levels of development are proposed up to 2035: . . . **a minimum of** xx,xxx **net** new homes of mixed type, size and tenure'.*
- *The supply is amended by increasing the lapse rate, removing the windfall and empty homes allowances, increasing the demolition allowance.*

Policy 4: Housing Allocations

The HBF does not consider that Policy 4 is sound, as it is not justified or positively prepared for the following reasons:

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 and planned to an appropriate strategy. The HBF would expect the spatial distribution of sites to follow a logical hierarchy, provide an appropriate development pattern and support sustainable development within all market areas.

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.

The HBF considers that the policy should be modified as follows in order to make the document sound:

- *Providing an appropriate buffer in the supply through additional allocations.*

Policy 16: Addressing Housing Need

The HBF does not consider that Policy 16 is sound, as it is not justified or consistent with national policy for the following reasons:

Affordable Housing Provision

This policy seeks affordable housing on sites of over 10 dwellings, or over 5 dwellings in rural areas, with the proportion required varying by area from 10% to 25%. The HBF does not dispute the need for affordable housing within Durham and indeed supports the need to address the affordable housing requirements of the borough. The NPPF is, however, clear that the derivation of affordable housing policies must not only take account of need but also viability. Paragraph 34 of the NPPF established the importance of viability to ensure that development identified in the Plan should not be subject to such scale of obligations and policy burden that their ability to be delivered might be threatened.

The Viability Report 2018 concludes that development across the region is viable and able to deliver some level of policy contribution. However, tables showing the impact of the policy options within Appendix D identify significant issues with sites in the low value areas for both brownfield and greenfield sites, and for some sites within the medium areas. It is also evident from these tables that the more policy requirements considered the more sites that start to have viability issues. HBF members have also raised concerns with some of the assumptions that have fed into the Viability Report, it is considered that these will also need to be addressed to ensure that the conclusions of the assessment are correct.

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 Council should note that PPG states that *'in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development'*. This is in line with the Written Ministerial Statement (WMS) (Nov 2014), which also stated that for 5 units or less affordable housing contributions should not be sought and that for 6 to 10 units contributions should be sought as cash payments to be commuted until after completion of units.

Meeting the Needs of Older People

This policy also requires a minimum of 10% of private or intermediate housing on sites of over 10 dwellings to increase the housing options of older people. It states that these dwellings must be built to M4(2) standards. The HBF is supportive of the provision of housing for older people. It is, however, important that this compliments rather than burdens the mainstream market supply. It is therefore recommended that the Council provide a supportive framework for such provision rather than placing burdens on all housing sites. The HBF also recommend that if this policy is to be taken forward that an appropriate transition period is included within the policy.

The National Planning Practice Guidance (NPPG) states that where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and / or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body. This is to ensure that all parties have the clarity and certainty of knowing which standards they have to deal with and can factor these into their plans. For developers, this ensures that the design and procurement complications that previously arose from a series of different standards in different areas are avoided. It was recognised that it was not appropriate to apply Category 2 or 3 standards to all new homes as not all people who buy or move in to new homes need or wish to have such provision. Category 2 and 3 standards were therefore made “optional” with the position being that the case for requiring such standards in future new homes should be made through the adoption of local plan policies that have properly assessed the level of requirement for these standards in the local area, also taking into account other relevant factors including the impact on project viability.

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.

The HBF considers that the policy should be modified as follows in order to make the document sound:

Affordable Housing Provision

- *The HBF recommends that the Council give further consideration to the viability of the policy.*
- *Provide further clarity as to what will happen for a site where the full affordable housing requirement is not considered viable.*

Meeting the Needs of Older People

- *The HBF recommends that the policy is amended to support the provision of housing options for older people including the provision of level access flats, bungalows and multi-generational housing products.*
- *If, the policy is to be retained the HBF recommend that the Council:*
 - o *ensure that they have the appropriate evidence to support the policy;*
 - o *ensure that the policy continues to takes into account site specific factors such as vulnerability to flooding, site topography and other circumstances which may make the site less suitable for M4(2) and M4(3) compliant dwellings;*
 - o *ensure that if step-free access is not viable that M4(2) and M4(3) should not be applied; and*
 - o *ensure an appropriate transitional period is included.*

Policy 28: Utilities, Telecommunications and Other Broadcast Infrastructure

The HBF does not consider that Policy 28 is sound, as it is not justified, effective or consistent with national policy for the following reasons:

This policy requires developers to ensure that all new build developments are served by a high speed broadband connection. 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, paragraph 112 of the NPPF (2019) 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 the Council should work proactively with telecommunications providers to extend provision and not rely on the development industry to provide for such infrastructure. The Council should also note that Part R of the Building Regulations clearly sets the appropriate standards for high speed electronic communication networks. It is not considered appropriate for Durham to seek additional local technical standards over and above this requirement.

The HBF considers that the policy should be modified as follows in order to make the document sound:

- *'The council will require developers to **engage with infrastructure providers and work with them to** ensure, **where feasible**, that all new residential and commercial development is served by a high speed broadband connection. ~~This will need to be directly accessed from the nearest exchange and threaded through resistant tubing to enable easy access to the cable for future repair, replacement and upgrading.'~~*

Policy 30: Sustainable Design

The HBF does not consider that Policy 30 is sound, as it is not justified, effective or consistent with national policy for the following reasons:

This policy requires development to minimise greenhouse gas emissions by seeking to achieve zero carbon and providing renewable and low carbon energy generation. The policy also requires all major new residential development to achieve reductions in CO2 emissions, 10% below.

The HBF does not generally object to encouragement for the need to minimise the greenhouse gas emissions, or the inclusion of renewable energy sources, or the inclusion of low carbon energy, however, it is important that this is not interpreted as a mandatory requirement. The HBF consider that any mandatory requirements would be contrary to the Government's intentions, as set out in Fixing the Foundations and the Housing Standards Review, which specifically identified energy requirements for new housing development to be a matter solely for Building Regulations with no optional standards.

The HBF recommend that the Council ensure that this policy is justified and consistent with national policy. The potential cost of the requirements of this policy needs to be taken into consideration. There are concerns that requirements such as

these could lead to the non-delivery of homes in areas where development is intended to be focused. The HBF considers that this requirement should be removed.

It also states that all new residential development will be required to comply with the Nationally Described Space Standard (NDSS). 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 HBF consider 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 considers that the policy should be modified as follows in order to make the document sound:

- *The policy requirements in relation to the need to minimise greenhouse gas emissions by seeking to achieve zero carbon and providing renewable and low carbon energy generation should be deleted.*
- *The policy requirements in relation to reductions in CO2 emissions should be deleted.*
- *The policy requirements in relation to the NDSS should be deleted.*

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 the progress of the Local Plan and associated documents, including the submission of the Local Plan, the publication of the Inspectors Report, consultation on any Main Modifications and the adoption of the Plan. The HBF also wish to participate in the Examination in Public. Please use the contact details provided below for future correspondence.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Harding', with a stylized, cursive font.

Joanne Harding

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