

Home Builders Federation

ID:8450

Matter 7

HARLOW LOCAL PLAN EXAMINATION

Matter 7: Development Management Policies

Are the development management policies in the plan positively prepared, justified, effective and consistent with national policy?

PL3 Sustainable Design, Construction and Energy Usage

- Is this policy consistent with national policy and sufficiently clear to be effective?

This policy requires development to, as a minimum, meet building regulations with regard to design, construction and energy. Seeing as this is a legal requirement enforced through building control, we do not see that there is any need for this policy. As such it has the potential to cause confusion amongst decision makers with regard to the scope of the planning process to consider such regulations when making any decisions. Therefore this policy should be deleted.

PL10 Water Quality, Water Management, Flooding and Sustainable Drainage Systems

- Is criterion 4 c too prescriptive?

As set out in our representations it may not be possible for the redevelopment of previously developed land to achieve green field run off rates. We consider a more appropriate approach would be to ensure that run off rates are reduced as far as is practicable.

H5 Accessible and Adaptable Housing

- Is this policy consistent with national policy and sufficiently justified? Have the effects on viability been assessed?

There is no evidence presented that indicates that all new homes will be required to be built to part M4(2) of the building regulations. Government 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 a policy for accessible and adaptable homes, 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 Harlow which justifies the inclusion of optional higher standards for accessible and adaptable homes. Evidence of an ageing population or those with a disability as set out in paragraph 14.25 of the Local Plan and section 6 of the 2015 SHMA does not in itself justify the requirements of this policy. We are also concerned that the evidence provided relates to the HMA as a whole and not to Harlow. Consideration needs to be given as to the numbers of people in Harlow who will need such an adaptable or accessible home in future.

Just because a person is over 65 does not mean they will require their home to be adapted in future and even less for those who live in a recently constructed house. It must also be remembered that all new homes will be built to part M4(1). According to Part M of the Building Regulations meeting M4(1) will ensure reasonable provision for most people, including wheelchair users, to approach and enter the dwelling and to access habitable rooms and sanitary facilities on the entrance storey. As such these standards are likely to be suitable for the significant majority of people as they get older.

If the Government had considered that the ageing population seen across the Country to be sufficient to require all homes accessible & adaptable homes standards, then the logical solution would have been to incorporate the M4(2) as mandatory via the Building Regulations which the Government has not done. The optional higher M4(2) standard should only be introduced on a "need to have" rather than a "nice to have" basis.

No consideration appears to have been given to the size, location, type and quality of dwellings needed in Harlow and how the needs vary across different tenures. Again, evidence is provided in the 2015 SHMA for the HMA but not for Harlow. We may have expected to see information in relation to the proportion of people that may need an accessible home from the social rented tenure for example, or in relation to the how the need is consistent across the Borough rather than in particular locations, whether there were any sizes or types of homes that were of particular need for example will it be single people, older couples or will it be family homes with facilities for older or

disabled members. No evidence is provided in relation to the accessibility and adaptability of the existing stock.

Providing for genuine accessibility requirements needs to be balanced against other requirements from building standards, the wider aspirations of consumers for their homes (including affordability) and the other contributions which are sought from new housing towards community benefit. Therefore, we do not consider that Policy H10 will be effective. The policy does not address all the requirements set out in the PPG, and as such could not be considered to be effective. The PPG is clear that policies should also take into account site specific factors such as vulnerability to flooding, site topography and other site-specific circumstances which may make certain sites less suitable for M4(2) or M4(3) development. This is not evident within the policy as presently drafted. PPG also states that 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). As such, there will need to be a clear policy for how the Council will work with developers and housing associations to deliver these homes.

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 we recommend the Council ensure that an appropriate evidence base is available to support this policy in line with that set out in the PPG, that each of the requirements for consideration as set out in the PPG are contained within the policy and that appropriate viability and feasibility clauses are provided.

To conclude we would recommend that this policy is deleted in its entirety as it has not been justified. If the policy is to be included it is incumbent on the Council to assess the number of new homes that are likely to be occupied by someone who will need their home adapted not on the basis that there is an ageing population.

H6 Housing Mix

- Is the policy sufficiently clear to be effective? Are the percentages in Figure 14.1 the most appropriate for use and how would they be applied site by site? Have the effects on viability been assessed?

The HBF understands the need for a mix of house types, sizes and tenures and is generally supportive of providing a range and choice of homes to meet the needs of the local area. It is, however, important that any policy is effective 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. Paragraph 11 of the NPPF recognises this need for flexibility stating that plans should be “sufficiently flexible to adapt to rapid change”. Policies identifying a precise mix do not offer that flexibility and as such cannot be considered sound.

It is important to remember that whilst Strategic Housing Market Assessments (SHMA) can provide a broad snapshot in time of what is needed across an LPA or HMA they do not provide a definitive picture as to the demand for different types of homes in specific locations. So, whilst we support Council's in seeking to achieve a broad mix across the plan period this should not be translated directly into policy. It should be left for developers to supply the homes they consider are necessary to meet demand. The development industry understands what types of homes are needed to meet the demands of its customers, if it did not then the homes would not sell.

We would therefore suggest that the policy requires applications for housing development to have regard to the evidence on housing mix but that the final mix is left to agreement between the applicant and developer on a site by site basis. This would establish a flexible approach to housing mix which recognises that needs and demand will vary from area to area and site to site; ensures that the scheme is viable; and provides an appropriate mix for the location.

H8 Affordable Housing

- Is the policy justified and sufficiently clear to be effective? Have the effects on viability been assessed?

As set out in our statement for matter 2 we have concerns regarding the impact of this policy on the development of urban sites within Harlow and consideration needs to be given as to how the policy could be varied to ensure that such development will be maximised during the plan period, as required by national policy.

We also consider the decision to set this policy as a minimum is not consistent with national policy. The NPPF establishes in paragraph 17 and 154 the importance of the local plan setting out unambiguous policies that support predictable and efficient decision making. It is therefore essential that affordable housing requirements are set out as maximums not minimums as this provides the clearest indication as to how a decision maker should react with regard to this policy. It also ensures that applicants are confident that they will not be asked for a higher level of affordable housing requirement by the Council.

When considering this policy, it is also important to recognise that it will be implemented on the basis of paragraph 57 of the revised NPPF. This states that where an application complies with the development plan then it should be assumed to be viable. No further assessment of viability is required, and no additional provision of affordable housing should be sought by the Council. To provide the necessary clarity on this the Council should set out its requirement as 40% to ensure certainty for applicants as well as deliver consistent decision making in future that is compliant with the revised NPPF.

We would therefore recommend the term at least is deleted from this policy.

H9 Self-build and Custom-build Housing

- Is the policy justified and would it be effective?

This policy proposes that sites delivering 100 or more homes will be required to deliver at least 5% of the dwellings as self or custom build housing. The HBF is supportive of self / custom build for its potential additional contribution to the overall supply of housing. But the Council's approach is only changing housing delivery from one form of house builder to another without any boost to housing supply. For this policy to provide any boost to housing the Council should identify new sites that it can use to deliver self-build housing rather than place this burden on the house building industry.

A policy requirement for at least 5% self / custom build serviced plots on housing sites of 50+ dwellings should be fully justified and supported by evidence of need. The Council should assess the demand from people wishing to build their own homes from data on its Self-build & Custom Housebuilding Register and other secondary sources (PPG ID 2a-020). The Council should also analyse the preferences of entries to be certain that those wish to build their own homes would want to do this as part of a much larger development. This will give the Council a better understanding of how they should approach their legal duties with regard to those who wish to build their own home.

We are particularly concerned that across the Country the level of need outlined on self-build registers is inflated and does not reflect demand. We have noted that when Councils have revisited their registers in order to confirm whether individuals wish to remain on the register numbers have fallen significantly. This has been the case at the EIP for both the Hart and Runnymede Local Plans. In Runnymede for example more stringent registration requirements were applied in line with national policy and saw the numbers of interested parties on the register fall from 155 to just 3.

At present the Council's evidence is insufficient to require 5% of homes on sites accommodating 50 homes or more. We would therefore suggest that the policy be amended to state that the Council will work with land owners to identify appropriate sites for the delivery of self-build and custom-build housing. This would provide greater flexibility given the uncertainty over demand for such plots and better reflect PPG which states that Council's should work with land owners and encourage them to consider providing plots for self-build.

L3 Development involving the Provision or Relocation or Loss of Public Art

- What is the definition of major development, and is this policy justified in all cases?

This policy is not justified. As we set out in our representations planning obligations must be used to make a development acceptable in planning terms. Whilst developers may wish to provide such art as part of any landscaping within their schemes there is no justification for requiring its provision.

IN3 Parking Standards

As set out in our statements where a policy could lead to a decision being refused then its requirements should be set out in the local plan. There is no certainty that the Essex Vehicle Parking Standards will not change and place additional burdens on house builders. These standards should be set out within the local plan to ensure that if changes are made these are achieved using the correct process of consultation and public examination.

IN4 Broadband and Development

The HBF generally consider that digital infrastructure is an important part of integrated development within an area. 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 and will seek to deliver this wherever possible and desirable. However, national policy establishes the optional technical standards in relation to building regulations that can be set within the local plan. As such the Council's decision to set standards that are above those for building regulations cannot be considered consistent with Government policy.

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