

Home Builders Federation

ID: 1159875

Matter 10

CHELMSFORD LOCAL PLAN EXAMINATION

Matter 10 – Development Management and other policies

Main issue – Whether the development management and other policies in the plan are justified

Housing policy HO1

101. Does the policy adequately address the needs of different groups in the community in accordance with paragraph 50 of the Framework?

No comment

102. In relation to the application of the optional technical standards:

- a. Is the requirement in Part Aii for each dwelling to meet M4(2) of the Building Regulations for accessible or adaptable dwellings, justified and based on robust evidence of identified need?

Following the publication of the pre-submission local plan the Council have provided further evidence, document EB056, to justify their decision to require all dwellings in developments of 10 or more units to be built to part M4(2). The evidence in this document sets out a position that is not dissimilar to the country as whole in that there is an ageing population and that as such this requires the majority of new homes to be built to part M4(2). However, given that the Government on the basis of the same evidence did not consider it necessary to make this standard mandatory we do not consider it appropriate that the Council to take this approach.

Before examining the Council's justification, it is important to remember that new homes that are built today are significantly more accessible than the existing housing stock. They provide a level of accessibility that is sufficient to meet the needs of the majority of households in Chelmsford. For example, the Council outline that the higher accessibility standard will be beneficial to families with young children, whilst this is true it is also true that they already benefit from the improved standards required by



part M4(1). We would therefore suggest that whilst there may be some advantages for this group they do not constitute part of the need for such homes as set out in PPG. Therefore, in arriving at their estimate that 49.52% of the households in Chelmsford are in immediate need for a home to be built to part M4(2) the Council the Council should not include those households with children under 5.

In addition, the Council's estimate would appear to have included those who are over 65 but who are not in need of an accessible home. This makes the assumption that all those who are over 65 will need a more accessible home. This is not the case and the Council should not include these within its estimate of needs as they are not in need of such a home. As they get older some of these individuals may well require a more accessible home, but this is already reflected in other data on disability and long-term illness. We would suggest that the proportion of those who may be in need of an accessible home is therefore smaller than the 49.5% of households suggested by the Council and that any decision on the proportion of new homes built to part M4(2) should have regard to this fact.

In addition to this evidence on the potential need it is also important to examine the number of adaptations that have been made to homes within Chelmsford each year. This shows that in the latest 3 years an average of 124 grants were made to adapt homes. This is less than 1% of all households each year that require adaptations to be made by the Council. The Council suggest that the number of grants made is restricted by budget. However, it could also be seen as a reflection on the needs for such adaptations.

We would therefore suggest that whilst there is a need for some homes to be built to part M4(2) it should not be applied to the majority of homes being built within Chelmsford.

- b. Is the requirement in Part Bi for a minimum of 5% of new affordable dwellings to meet M4(3) of the Building Regulations for wheelchair user dwellings, justified and based on robust evidence of identified need? Why does this only apply to affordable dwellings?

This target would not appear to be unreasonable given the evidence, but we would suggest that this is not set as a minimum. It is important to provide certainty within a policy as to what is required. This helps the applicant in considering the impacts of policy on the cost of developing a site and the decision maker in understanding the expectations that the Council has on any particular issue. The application of this policy only to affordable dwellings is consistent with PPG which outlines that the standard for wheelchair accessible dwellings should only be applied to homes which the local authority has the ability to allocate or nominate the occupant.

- c. Has the impact of applying the optional technical standards on viability of schemes been assessed?

The impact on viability has been tested within the Council's viability study. However, the cost of delivering both part M4(2) and Part M4(3) can increase significantly where sites are, for example, not level. This situation is recognised in paragraph 56-008 of PPG which states:

“Local Plan policies should also take into account 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, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied.”

It is therefore important that the policy is amended and is subject to both viability of and feasibility. We would suggest the both parts A and B that the phrase “where viable” is inserted after the word “require”

103. Are the requirements in Part C for self-build homes and provision of specialist residential accommodation justified and based on robust evidence? Is the policy clear on how a decision maker would comply with the latter requirement (Cii)?

As we set out in our representation, we do not consider the approach take in part C(i) to have be justified or consistent with the approach set out in national policy. In addition to these concerns it would seem that the level of provision is likely to be excessive. On examining the Council's development trajectory there will be 7,230 homes delivered on new allocations of over 100 units. This will mean that the Council expect 361 units to be provided during the plan period. Given that the current level of need identified by the Council is just 30 dwellings it is not clear why the Council have looked set a 5% requirement. Given the uncertainty as to the level of demand for self-build and custom housebuilding we would suggest that the Council rather than require the provision of such plots on large development sites seeks to work with land owners and self-builders to identify appropriate land that can support their needs.

In addition to the above concerns it is also important that the Council allow any plots that are not sold to be returned to the developer for delivery as part of the wider development. If these plots are not developed by self / custom builders, then these undeveloped plots are effectively removed from the housing land supply unless the Council provides a mechanism by which these dwellings may be developed by the original non self / custom builder in a timely manner. We would suggest that where a plot is not sold within 6 months of it being marketed then it should revert back to the developer. Such plots can not be left empty indefinitely and given that there may be limited demand for such plots this could mean that the homes that are needed in the Borough will not be delivered. To maintain delivery, it is important that if the demand is not there then the plots can be built out by the developer.

104. Does the policy provide sufficient flexibility concerning the mix of house types and sizes to react to market forces?

No comment

Design – Policies MP1, MP2, MP3 and MP4

108. Is policy MP4 (Design specification for dwellings) sound?
In regard to part A of the policy:

- a) Is requirement for to achieve the Nationally Described Space Standards justified based on robust evidence of identified needs?

The Council have now provided evidence on the need to apply the space standard in Chelmsford. It would appear from this evidence that a relatively small proportion of the dwellings delivered in the area have been built below the nationally described space standards. However, what is not articulated within the Council's evidence document EB053 is the potential impact in applying the space standards in relation to meeting demand for starter homes and on the cost of such housing locally. Increasing the size of homes will inevitably increase their price due to higher build costs, in addition it may be the case that fewer homes would be deliverable on a site potentially reducing the overall return to the developer. Given the widening gap between incomes and house prices it is essential that the Council does not restrict the potential to deliver well designed smaller homes that meet the needs of those people looking to access the housing market for the first time. The imposition of space standards reduces the flexibility required to provide a range of homes for all markets and potentially limits the delivery of starter homes.

If the policy is retained in the Local Plan, we would suggest that a transitional period is adopted. The Council states that this is not required as they have been clear about their intention to adopt this optional standard. However, given that the Council did not produce any evidence on needs until after the regulation 19 consultation there was no certainty that this would be adopted. In addition, many land deals may have predated the Council's decision on 2017 to adopt the NDSS and as such a transitional period would support the delivery of sites that may have their viability compromised by the requirement to meet the NDSS.

109. What is the status of the Essex Car Parking Standard – Design and Good Practice (2009). Does it form part of the development plan and if not is the requirement to comply with these standards consistent with national policy?

The approach taken by the Council requiring development to comply with a separate guidance document is not comply with legislation that prevents the Council from setting policy in supplementary documents. The Essex Parking Standard referred to in policy MP5 could be amended without the necessary consultation and examination in public. It is essential that where standards that are required to be implemented that these cannot be amended without being done so through the proper legal procedures. This principal was most recently tackled in William Davis Ltd & Ors v Charnwood Borough Council [2017] EWHC 3006 (Admin) (23 November 2017) where supplementary planning document strayed into an area that should be considered by a development

plan document. This decision quashed an SPD that contained policies that clearly encouraged and imposed development management policies against which a development could be refused. This decision clearly shows that policy can only be established through the Local Plan. The Council should include any proposed parking standards within the Local Plan.

Broadband

111. Is the requirement for the provision for superfast broadband within Policy MP7 consistent with national policy? Are the changes to the policy and supporting text set out in AC240 and AC241 in SD002 necessary for soundness? Is the policy duplicating Building Regulations?

No. 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. The proposed changes AC240 and AC241 clearly show that the Council's intention is for a requirement beyond what is expected in Building Regulations and as such the policy should be deleted.

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