

## Examination of Hyndburn's Development Management Development Plan Document (DM DPD)

# Council's Response to Inspector's Matters, Issues and Questions (MIQs)

### Matter 5: Housing

Issue 5a: Is the approach set out in policy DM10 to high-density schemes or those with a high proportion of terraced/town house provision justified?

26. **Paragraph 5.6 states that very high-density schemes or those with an overly high proportion of terraced/town house provision will in general be resisted. Is this justified? Would this affect the delivery of affordable housing provision?**

The statement in paragraph 5.6 reflects one of the Council's Local Plan priorities of re-balancing the Borough's housing market away from the predominantly terraced-based housing stock. One of the six Core Strategy strategic objectives is *'to provide a greater choice and quality of housing'*.

The findings of the 2014 Strategic Housing Market Assessment (SHMA) and Housing Needs Study (supporting document DM\_Supp2.5) further confirms the need and justification for this policy approach. It highlights the benefits of providing a more balanced housing stock with greater volumes of aspirational housing to help drive economic growth. This in turn will help to retain higher wage earners in the Borough and encourage people to relocate. Paragraph 11.19 of the SHMA specifically highlights the risk in deliverability of being too prescriptive with regards to an overly high requirement for small, high density apartment schemes in the Borough.

In terms of the delivery of affordable housing, the proposed policy approach is not considered to have a significant impact on the delivery of further units. Primarily this is due to the Council's Economic Viability Study (EVS) (DM\_Supp2.1) demonstrating that in many central locations affordable housing delivery on brownfield sites (those most likely to deliver high density schemes) is unviable anyway.

Issue 5b: Proposed modification to policy DM10

27. **The Council has proposed modifications to policy DM10. Specifically, the insertion of additional criteria to 1d and 1h. Additional text is also proposed to clarify that the applicant would be responsible in meeting the costs for any mitigation measures required in relation to residential amenity. It is also proposed to insert additional text to paragraph 5.7 to clarify that criteria 1c**

**relating to Building for Life is not a mandatory standard for all developments. Would these changes be main or additional modifications? Would the modifications affect the soundness of the plan?**

The Council does not consider any of the proposed modifications to be main modifications as they do not materially affect the policies in the plan, rather they are included to provide further clarification to matters already covered within the Policy.

- Insertion of additional criteria to 1d – reference to amenity under criteria 1d clarifies the context under which the other factors (over-bearing, oppressive, overlooking, light) will be considered. In any case it does not introduce new requirements into the Local Plan as the issue of Environmental Amenity is already covered strategically by Policy Env7 of the Core Strategy;
- Insertion of additional criteria to 1h – inclusion of reference to ‘traffic movements or light’ is intended to clarify the specific amenity issues to be considered in the Town/Local Centre context under criteria 1h;
- Insertion of supporting text paragraph regarding costs of mitigation – following further consideration the Council suggests a potential re-wording of this paragraph to make it clear that it is not necessarily about extra costs. Mitigation here refers in general to necessary mitigation as a part of any development scheme. The second part of the statement could therefore read *‘the applicant will be responsible for developing how this will be met’* as opposed to *‘the applicant will be responsible for meeting such costs’*.
- Additional text in paragraph 5.7 regarding BfL – the addition of proposed text into paragraph 5.7 is in recognition of the requirements of paragraph 173 of the NPPF, that policy burdens should not threaten viability. Should therefore the applicant demonstrate that it is not feasible to adopt all principles in the BfL. The Council would expect adequate justification for this in light of the clear requirement in paragraph 64 of the NPPF that *‘permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions’*. The importance of design in new development has been reiterated in the recently published Housing White Paper and its focus on improving standards.

Issue 5c: Is the reference to national standards for open space provision in policy DM11 justified and effective?

**28. Footnote 52 of policy DM11 acknowledges that there are no local standards for open space provision in new residential**

**development. Is it therefore justified and effective to refer to national standards?**

There are currently no local standards for open space provision in Hyndburn; however this position may change as the Local Plan is progressed. The Council will consider the application of local standards through the Site Allocations DPD, following completion of further evidence base work planned on Open Space and Green Infrastructure issues. Although this is not specifically stated under Policy DM11, it is referenced in paragraph 2.5 of Guidance Note 1.

The reference to national standards where local standards are not in place is fully justified in line with paragraph 73 of the NPPF. Open space also has a key, clear environmental role to play in sustainable development. The statement in footnote 52 is intended to provide an interim policy framework until such time as local standards have been more fully investigated and evidenced.

The Accessible Natural Greenspace Standard (ANGSt) is a widely recognised national standard that is based on three principles; improving access, improving naturalness, and improving connectivity. These are all in line with the Core Strategy strategic objectives 4-6 for Hyndburn. The policy is effective as it is deliverable. Paragraph 2 of Policy DM11 provides the flexibility to reduce provision where this will affect viability and/or deliverability.

Natural England expects that publicly accessible natural greenspace is delivered to meet Accessibility and Quantity Standards (e.g. ANGSt), Service Standards (e.g. National Nature Reserve Service Standards, Country Parks Accreditation) and Quality Standards (e.g. Green Flag Award scheme). Only the first (Accessibility and Quantity Standards) can be delivered through the planning process and therefore the Council is seeking to ensure that this is met in future developments in Hyndburn.

Issue 5d: Proposed modification to policy DM11

- 29. The Council has proposed modifications to policy DM11. Specifically, the amendment of criteria 1f regarding the adoption of open space by the Council. Would this change be a main or additional modification? Would the modification affect the soundness of the plan?**

The Council considers this to be an additional modification only as it does not materially affect the policy or plan. Paragraph 5.16 (supporting text) already made clear that it is the Council's policy of ensuring no further maintenance liabilities are incurred over the Plan period. The proposed modification is simply clarifying this within the Policy text itself, and not

introducing any new requirements that would affect the soundness of the plan.

Issue 5e: Does policy DM12 provide an effective and viable framework for the provision of affordable housing?

**30. Does policy DM12 provide sufficient flexibility in terms of the application of the Core Strategy's requirement for new housing development of 15 or more dwellings to provide 20% affordable housing where this may affect the viability of proposals in some areas of the Borough?**

Yes, the Council believes that paragraph 5 of Policy DM12 provides sufficient flexibility for reduced levels of affordable housing provision where the 20% rule is proven to be unviable. This policy approach is in line with the Core Strategy Policy H2 (Affordable Housing) and the NPPF which stresses the importance of considering viability.

The Council would consider addition of further paragraph(s) into the supporting text should this be considered necessary to provide more detail around the policy approach. For example, reference to the Council's Economic Viability Study could be made, and the fact that the Council will take into consideration the latest findings in the evidence base and may (in some circumstances) negate the need to provide a full viability assessment.

Issue 5f: Proposed modification to policy DM12

**31. The Council has proposed modifications to policy DM12. Specifically, the removal of the term 'overall development costs' from paragraph 2. Would this change be a main or additional modification? Would the modification affect the soundness of the plan?**

The Council's response to Rep\_ID 285 from Persimmon Homes is set out in supporting document DM\_Sub3.1. The Council proposes the removal of the term 'overall development costs' and moving of the remaining paragraph out of the policy text into the justification text.

This is considered to be an additional modification as it does not materially affect the policy or plan. Soundness of the document will be improved as the purchasing of land is not technically a planning matter, and its inclusion in the policy text contradicts paragraph 5 of the policy text.

Issue 5g: Does policy DM13 set out an effective approach for determining applications for housing development within the garden or curtilage of residential properties?

**32. How would proposals for new dwellings in these locations be dealt with if they otherwise accorded with the principle of sustainable development?**

The policy approach set out in Policy DM13 (Development of Housing within Residential Gardens) seeks to build upon Core Strategy Policy H1 (Housing Provision). The final part of H1 clearly states that *'there will be a strong presumption against the development of housing within the garden or curtilage of residential properties'* - paragraph 4.39 of the Core Strategy provides supporting text to justify this policy stance. Paragraph 53 of the NPPF also states that LPAs *'should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'*.

Paragraphs 5.23 – 5.26 of the DM DPD provide further justification for Policy DM13. In this context, it is the Council's view that where the criteria in Policy DM13 are not met then a development would not constitute sustainable development in the local context. As such, only where the criteria in part DM13 are met would the Council consider a proposal to be in line with the policies of the Local Plan and constitute sustainable development.

Issue 5h: Proposed modification to policy DM13

**33. The Council has proposed modifications to policy DM13. Specifically, separating part 1bii into a separate part (1c) so that proposals are not reliant upon also being on the footprint of an existing building. It is also proposed to change the title of the policy. Would these changes be main or additional modifications? Would the modifications affect the soundness of the plan?**

The Council considers both proposed modifications to DM13 to be additional modifications as they do not materially alter the policy or plan by introducing new criteria or making the policy more restrictive.

The proposed separation of part 1bii into a separate part 1c is in recognition that in some circumstances good design can be achieved with developments in the curtilage of residential properties, without causing undue harm to the character or setting. The separation of part 1bii ensures that this consideration is not also reliant on being on the footprint of an existing building. The policy as amended would permit development if either a, b or c is demonstrated.

The proposed change in title is due to a typographical error during production of the graphical version of the DM DPD. The Council's view is that it is clearly an error when reading the policy text as a whole. In addition when reading the wider plan (the following Policy DM14 in

particular) it is clear that the title of DM14 has been copied into DM13 by mistake. Finally the correct policy title for DM13 is listed in the Table of Contents on Page 3. As such the Council considers this to be an additional modification only and one that does not affect the soundness of the plan in any negative way.

Issue 5i: Is the adoption of the technical housing standards relating to access and internal space justified, effective and consistent with national policy?

**34. Is the adoption of technical housing standards relating to access and internal space justified in accordance with an identified local need and supported by relevant up to date evidence?**

The Council has set out in detail its justification for adopting the Access and Space standards in its Housing Standards Topic Paper (DM\_Supp3.1). The Council has demonstrated that in the case of Access standards that it is based on an identified need and that it is viable. Specifically the 'need' issue is identified within the Housing Register that around 30% of affordable accommodation could be specifically tailored to meet the needs of elderly residents<sup>1</sup>.

In respect of Space standards the Topic Paper demonstrates how it satisfies a need, is viable and how the Council has taken into account any timing issues. Specifically the 'need' element takes into account the type and size of dwelling already being built in the area. This approach is in line with the Planning Practice Guidance<sup>2</sup>.

The evidence upon which 'need' is established is therefore considered to be up to date (2014 based SHMA and more recent analysis of planning permissions). The viability testing (see response to 35 below) was undertaken in 2016 and is therefore also relevant and up to date.

**35. Has the viability of this requirement been sufficiently taken account of across all areas of the Borough? Is the approach consistent with national policy?**

The Council appointed Keppie Massie consultants to undertake an Economic Viability Study (EVS) (DM\_Supp2.1), completed in 2016. The EVS has fully considered the application of both Access and Space standards across the whole Borough. Results of viability testing in the EVS are presented by residential value zone (which reflects each Ward in Hyndburn). Access standards are built into the EVS through addition of a fixed £1,000 per dwelling onto build costs<sup>3</sup>. Space standards are built in via the standard house sizes used in the viability-testing model. The

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<sup>1</sup> Highlighted on p218 of the Strategic Housing Market Assessment & Housing Needs Study (2014) (DM\_Supp2.5)

<sup>2</sup> Paragraph: 020 Reference ID: 56-020-20150327

<sup>3</sup> Paragraph 5.44 of the EVS

standard house sizes were used following analysis undertaken by Keppie Massie of recent planning applications<sup>4</sup>. The construction costs therefore reflect adoption of the space standards. The Council has provided further detail on this in its Housing Standards Topic Paper (DM\_Supp3.1) and its response to the Inspector's Initial Questions (8-9) dated 27 February 2017.

The Housing White Paper (HWP) has indicated that the Government will review the Nationally Described Space Standard in future, and how it is to be used in planning (paragraph A.74). Importantly however this is framed within the objective of supporting greater local housing choice and avoiding a race to the bottom in the size of homes on offer. Specific reference is made to compact living models such as pocketliving.com in areas of high demand where available land is limited (paragraph A.73, HWP). The objective of a review seems to be clearly aimed at looking at the bottom end of space standards and creating more flexibility in their adoption. The Council's view is that compact living models may be appropriate in areas such as London (areas of high demand and very limited land availability) but that this form of housing would not meet the identified need and demand for housing in Hyndburn. The HWP at this point simply signposts to a potential future consultation on space standards.

The approach in DM16 is therefore consistent with current national policy.

#### Issue 5j: Proposed modification to Guidance Note 2: Affordable housing

**36. The Council has proposed a modification to GN2. Specifically the deletion of part of paragraph 7.1 which references HCA design and quality standards. Would this change be a main or additional modification? Would the modification affect the soundness of the plan?**

The Council considers the proposed modification to Guidance Note 2 to be an additional modification as it does not materially affect the policy or plan. The removal of the reference to HCA Design and Quality standards is proposed as a result of the introduction of the optional technical standards for housing. The Written Ministerial Statement of 25 March 2015 confirmed that implementation of the national technical housing standards was intended to replace all former standards into a simpler, streamlined system. Inclusion therefore of other technical standards in Local Plans is not consistent with national policy. The modification would therefore improve the soundness of the document in making it consistent with national policy.

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<sup>4</sup> Paragraph 3.32-3.33 of the EVS

Issue 5k: Proposed modification to Guidance Note 8: Car parking, access standards and transport assessment/travel plan thresholds

- 37. The Council has proposed modifications to GN8. Specifically, adding a reference to 'domestic garages' regarding bike storage and flexibility in applying minimum size requirements. Would this change be a main or additional modification? Would the modification affect the soundness of the plan?**

The Council considers that the proposed textual change to Guidance Note 8 to show flexibility in garage sizes where alternative cycle provision is provided represents a pragmatic and flexible approach to the issue raised (by Rep\_ID 304). The Council would see this as an additional modification as it relates to a Guidance Note and does not materially alter the plan or policies. There is no affect on the soundness of the plan as a result of this modification.