Hearing Statement – Matter 6

Doncaster Local Plan

On behalf of Firschure Ltd

August 2020
I. **Introduction**

1.1. This is a Hearing Statement prepared by Spawforths on behalf of Firsure Ltd in respect of:

   Matter 6: Housing Development Requirements

1.2. Firsure Ltd has significant land interests in the area and has made representations to earlier stages of the Local Plan process.

1.3. The Inspector’s Issues and Questions are included for ease of reference. The following responses should be read in conjunction with Firsure Ltd comments upon the submission version of the Doncaster Local Plan, dated September 2019.

1.4. Firsure Ltd has also expressed a desire to attend and participate in Matter 6 of the Examination in Public.
2. **Matter 6 – Housing Development Requirements**

**Q6.1.** Are the development requirements for the housing allocations without planning permission set out in Appendix 2 to the Plan justified? Is there sufficient detail to provide clarity to developers, local communities and other interested parties about the nature and scale of development proposed? Are the Council’s suggested changes to Appendix 2 relating to sites ref 133 (Thorne) and 247 (Rossington) necessary to make the Plan sound?

2.1. Firsure Ltd has no specific comment in relation to this issue

**Q6.2.** Is the requirement in policy 8 part A for development to deliver a mix of house size, type, price and tenure to address the needs and market demand in the latest Housing Need Assessment or other robust evidence justified?

**Q6.3.** Is the inclusion of Appendix 4 in the Plan justified and consistent with the wording of policy 8? Will it be effective in helping to ensure that the need for different types of homes in different parts of the Borough are met throughout the Plan period?

2.2. Firsure Ltd is supportive of the principle of providing a broad mix of housing; however the Local Plan should not dictate the housing mix across the Borough. The Local Plan should achieve this housing mix through identifying the level of provision and the broad distribution of new housing.
2.3. Although Housing Needs Assessments can consider the broad issues of housing mix, the Local Plan should not seek to control the housing mix across the Borough. It is both unnecessary and inflexible to seek to control the housing mix, since it would mean the housing market would be unable to adjust to market movements. However, as written, Policy 8 Part A ‘requires’ new development to address the needs and marked demand in the latest housing needs assessment. This aspect of the policy is onerous and prescriptive, particularly as it is seeking to control size of units, mix and tenure.

2.4. Firsure Ltd recommend that a flexible approach is taken regarding housing mix, which recognises that need and demand will vary from area to area and site to site, ensure that the scheme is viable, and provides an appropriate mix for the location. There is a real need to create a housing market in Doncaster that will attract investors and provide an element of aspiration to ensure working people and families are retained within the area. The Housing Needs Assessment is only relevant at the time it is produced and only identifies current deficits. Firsure Ltd would urge that amendments are made to ensure greater flexibility within the housing mix policy to meet local, site specific need and ensure a scheme is viable.

Q6.4. Are the requirements of policy 8 part B for housing sites of 15 or more homes (or 0.5 hectares or above) to normally include 23% affordable homes in high value housing market areas or 15% elsewhere justified by adequate, proportionate and up to date evidence about need and viability?

2.5. Paragraph 34 of the Framework establishes the importance of viability to ensure that sites identified in the Plan are not be subject to such scale of obligations and policy burden that their deliverability is threatened.

2.6. Appendices 3-10 of the Viability Report 2019 [SDEB 48] demonstrated viability issues for a number of site typologies including all typologies in low value areas. Typologies in low value areas were unviable when tested against the base assumptions. The study concluded that in high and medium value areas site typologies were comfortably viable. However, there are some circumstances where there are viability pressures in medium value areas. Significantly, the additional policy costs and sensitivities were tested against the study’s base assumptions which notably only included 15% affordable housing, and not the 23% affordable housing
sought by Policy 8 in higher value areas. Furthermore, it should be noted that this assessment did not consider the cumulative/in combination impact of all of the policy requirements.

2.7. In response to the PQ [DON INSP2 PQs], a Whole Plan Viability Testing – Addendum has been prepared [DMBC 11]. The purpose of the addendum responded to concerns that the cumulative impact of all the policies was not modelled.

2.8. The results within the addendum demonstrate that there are significant viability concerns for all typologies in low value areas with the exception of low cost developer urban extension-greenfield sites. Firsure Ltd consider this will impact on deliverability of these sites and ultimately the Plan. The addendum again demonstrates that there are issues with viability on occupied brownfield sites in medium value areas. Of note, 24% of the sites in the study are within low value areas [DMBC 7], and whilst a number benefit from permission we have reviewed land supply and have identified a number of sites that are stalled, and identified sites with viability issues.

2.9. Firsure Ltd review indicates that up to 652 dwellings should be discounted from the allocated sites due to deliverability issues and lapsed applications. In addition, we note that sites such as Site 838 for 671 dwellings, whilst subject to recent planning applications with recommendations to grant planning permission subject to S106 Agreement, are noted to be unviable and are reliant on grant funding from Homes England.

2.10. Taking the latest information into account Firsure Ltd consider that there is a potential for the requirements to undermine the delivery of the Plan. The Addendum notes that a cautious approach has been taken to sales values, however these have not been updated and due to the current pandemic there is potential for viability to be negatively affected in the short/medium term, potentially impacting on deliverability of the Plan and five year supply.

2.11. Firsure Ltd consider that there will be an increased reliance on viability testing on a site by site basis due to the policy requirements being set too high for low value areas, and in some circumstances, medium value areas. This is contrary to the approach being sought by national policy and guidance paragraph 34 of the Framework and NPPG.
Q6.5. Is the reference in paragraph 6.9 to 75% of the affordable homes being for rent and 25% for low cost home ownership justified? Is it consistent with the national policy expectation that 10% of homes on major sites should be available for affordable home ownership? If the 75%/25% split is justified and consistent with national policy, should it be referred to in policy 8 rather than the reasoned justification?

2.12. Firsure Ltd have no specific comment to make in relation to justifying the need for 75% of the affordable homes being for rent and 25% for low cost home ownership. Firsure Ltd note that it is inconsistent with the delivery of 15 – 23% affordable housing on a site by site basis in a context where there is an expectation to deliver 10% of homes on major sites as affordable home ownership options.

2.13. The latest iteration of the Whole Plan Viability Testing Addendum [DMBC 11] notes in paragraph 1.5 that ‘for the purposes of this addendum and the testing undertaken we have ensured that this requirement [10% of homes on major sites to be affordable home ownership] has been met (with the assumption that the remainder of the affordable dwellings i.e. above 10% are provided as affordable rented units)’. Thus the requirement of a 75:25 split has not been assessed as part of the cumulative impact scenario within the addendum. The tenure split, in the context of the proposed affordable housing requirements, is not consistent with the Framework.

Q6.6. Is the requirement in policy 46 part A for all new housing to meet the Nationally Described Space Standard as a minimum justified by adequate, proportionate and up to date evidence about need, viability and timing?

2.14. The enhanced standards, as introduced by Government, are intended to be optional and can only be introduced where there is a clear need and they retain development viability. As such they were introduced on a ‘need to have’ rather than a ‘nice to have’ basis.

2.15. NPPG (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’

2.16. Firsure Ltd does not consider the Council has demonstrated robust justifiable evidence to introduce any of the optional housing standards, based on the criteria set out above. Firsure Ltd 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 housebuilding industry knows its customers what type and size of housing is in demand.

2.17. On NDSS Firsure Ltd would like to highlight the larger land take such houses will require. Therefore to deliver this would reduce the yield of sites and could have potential implications on the site yields identified by the Council on identified and allocated sites, ultimately resulting in the Council failing to meet their housing targets.

2.18. Firsure Ltd have considered the findings of the PQ [DON INSP2 PQs], a Whole Plan Viability Testing – Addendum has been prepared [DMBC 11]. The purpose of the addendum responded to concerns that the cumulative impact of all the policies, including the requirements set out in Policy 46, had not been modelled.
2.19. The results within the addendum demonstrate that there are significant viability concerns for all typologies in low value areas with the exception of low cost developer urban extension-greenfield sites. Firsure Ltd consider this will impact on deliverability of these sites and ultimately the Plan. The addendum again demonstrates that there are issues with viability on occupied brownfield sites in medium value areas. Of note, 24% of the sites in the study are within low value areas [DMBC 7], and whilst a number benefit from permission we have reviewed land supply and have identified a number of sites that are stalled, and identified sites with viability issues.

2.20. Taking the latest information into account, Firsure Ltd consider that the evidence identifies the potential for the requirements in Policy 46, in combination with wider plan requirements, to undermine the delivery of the Plan. The Addendum notes that a cautious approach has been taken to sales values, however these have not been updated and due to the current pandemic there is potential for viability to be negatively affected in the short/medium term, potentially impacting on deliverability of the Plan and five year supply.

2.21. The Policy indicates that exemptions to these requirements will only be considered where the applicant can robustly demonstrate with appropriate evidence, or it is demonstrated that it is not viable to do so. Firsure Ltd consider that there will be an increased reliance on viability testing on a site by site basis due to the policy requirements being set too high for low value areas, and in some circumstances, medium value areas. This is contrary to the approach being sought by national policy and guidance.

2.22. Firsure Ltd therefore consider that a more flexible approach should be taken.

Q6.7. Is the requirement in policy 8 part C for developers to demonstrate how the provision of housing types suitable for older people can be increased, especially bungalows, extra care facilities and supported living accommodation, justified?

2.23. Firsure Ltd is supportive of the principle of providing housing to meet the needs of older persons and disabled people. However, Firsure Ltd would like to highlight that not all sites are suitable for bungalows or older person accommodation. Geographical aspects including topography and site location, including proximity to services and facilities, are important
factors for attracting the older person. It is also unclear how this further policy requirement, which can increase build costs and reduce site capacity has been taken into account in the Viability Assessment. Firsure Ltd considers a flexible and pragmatic approach should be sought through the policy.

Q6.8. Is the requirement in policy 46 part B for at least 65% of all new homes on developments of over 0.5 hectares or 10 or more units to meet Building Regulation standard M4(2) justified by adequate, proportionate and up to date evidence about need, viability and site specific factors such as vulnerability to flooding, site topography, and other circumstances?

2.24. Firsure Ltd would like to highlight that if the Council wishes to adopt the higher optional standards for accessible and adaptable homes the Council should only do so by applying the criteria set out in the PPG. Unfortunately, the Council’s evidence does not justify the position and also questions how the percentages identified in the policy.

2.25. It is important that if the Council are seeking the higher optional standards that the evidence is forthcoming. 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.

2.26. 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.

2.27. Firsure Ltd has reviewed the Council’s Viability Assessment and conclude that there will be an increased reliance on viability testing on a site by site basis due to the policy requirements being set too high for low value, and in some circumstances medium value, areas. This is contrary to the approach being sought by national policy and guidance.

2.28. In addition, Firsure Ltd reiterates that NPPG is clear that where a authority adopts a policy to provide enhanced accessibility or adaptability, they should do so only by reference to
requirement M4(2) and/or M3 (3) of the optional requirements in the Building Regulations and should not seek to 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. The requirements of Paragraph 12.29 of the submission Plan are not consistent with national guidance in this regard and are not justified.

Q6.9. Is the requirement in policy 46 part C for at least 5% of all new homes on developments of over 0.5 hectares or 10 or more units to meet Building Regulation standard M4(3) justified by adequate, proportionate and up to date evidence about need, viability and site specific factors such as vulnerability to flooding, site topography, and other circumstances?

2.29. Please refer to our response to Q6.8.

Q6.10. Are the requirements in policies 42 to 45 relating to the design of housing developments justified? In particular:

a) The approach to “standardised or off the shelf” designs in policy 42 part B.

b) The requirement in policy 43 for all major developments to make use of pre application engagement with the Council, Design Review and urban design tools including masterplans, design guides, and design codes.

c) The requirement in policy 45 part D for all major developments to utilise Building for Life throughout the design process.

d) The requirement in policy 42 part D for the provision of public art in all major urban extensions and high profile and prominent developments, particularly in the key priority areas listed and shown on the Policies Map.

e) The requirements in policy 44 part C relating to all edge of settlement developments.
2.30. Firsure Ltd understands the principles of good design. However, there are certain elements of the policy which will significantly increase for example build costs and professional fees. It is unclear from reviewing the Viability Assessment [DMBC 11] how the whole plan viability has taken into account the requirements of this policy. Firsure Ltd consider that additional sensitivity testing is required to consider the impacts of this policy.

Q6.11. Is the approach to backland and tandem development set out in policy 45 part C justified? Are the Council's suggested changes to the policy and the Policies Map necessary to make the Plan sound and would they be effective in so doing?

2.31. Firsure Ltd has no specific comments on this issue.
Q6.12. Are the requirements in policies 27, 29 and 49 relating to the provision of green infrastructure and open space and the landscaping of housing developments justified and would they be effective? In particular:

a) The requirement in policy 27 part A for all major developments of 30 or more family dwellings to provide a green infrastructure masterplan which demonstrates how ten specified criteria will be met. Is the Council’s suggested change to apply the requirement to all sites of one hectare or more necessary to make the Plan sound and, if so, is it justified?

b) The requirement in policy 29 for development to address open space deficiencies. If it is not sound, would the Council’s suggested change ensure that it is?

c) The requirement in policy 29 part A for developments of 20 or more family dwellings to provide 10% or 15% of the site as on site open space. If it is not sound, would the Council’s suggested change ensure that it is?

d) The requirement in policy 29 part B for developments of 20 or more family dwellings close to a large open space to provide a commuted sum of 10% or 15% of the residential land value of the development site. If it is not sound, would the Council’s suggested change ensure that it is?

e) The requirement in policy 29 part C for developments of between 10 and 20 family dwellings to provide for a commuted sum of 10% or 15% of the residential land value of the development site to improve existing open suggested change ensure that it is?

f) The requirement in policy 29 part D for 16 square metres of open space per person in retirement living schemes and/or aftercare facilities.

g) The requirement in policy 49 part C for generous tree, shrub and hedgerow planting and the reference in paragraph 12.38 to a minimum of one tree per dwelling.
2.32. Firsure Ltd consider that the requirement for a Green Infrastructure Masterplan on schemes of this scale is unnecessarily onerous. The requirement to provide a masterplan will add to cost and impact on timescales for delivery, potentially adding up to a year to the planning process. Further flexibility should be incorporated into the policy so that it encourages, rather than requires, the provision of a masterplan for schemes of over 30 family dwellings or 1 hectare [CSD 5], alternatively, the threshold should be increased.

Part D and Part E

2.33. Firsure Ltd is concerned regarding further policy obligations, especially those that require 10-15% of the Residential Land Value of the development site as a commuted sum. This policy approach does not appear to be justified or proportionate and the implications of which have not been addressed through the Council’s Viability Assessment. Therefore, this is not in accordance with the Framework or guidance.

2.34. Furthermore, Firsure Ltd consider that flexibility is required throughout the Plan to ensure that policy requirements are consistent with Policies 66 and 67, which state that the council will take a pragmatic and flexible approach to planning obligations. This is particularly important in the light of evidence within DMBC 11 which demonstrates that the cumulative impact of the Plan requirements creates viability issues in low, and in some circumstances, medium value areas.

Q6.13. Are the development requirements set out in policy 51 aimed at improving and promoting strong, vibrant and healthy communities justified and will they be effective? In particular, is the meaning of the requirement in part D for relevant development proposals to consider and assess healthcare infrastructure implications clear?

2.35. Firsure Ltd has no specific comment on this issue.
Q6.14. Is the approach to the provision of education facilities in association with residential development set out in policy 53 part B clear, such that it will be effective?

2.36. Firsure Ltd has no specific comment on this issue.

Q6.15. Are the requirements in policy 55 for mitigation measures relating to noise, air quality, water and artificial lighting justified in so far as they relate to residential development? In particular, are the noise standards in appendix 11 justified, and is the change suggested by the Council needed to ensure that the Plan is clear about how they are intended to be taken into account by decision makers?

2.37. Firsure Ltd has no specific comments on this issue.

Q6.16. Are the requirements in policy 22 for telecommunications and utilities infrastructure provision in housing developments justified and consistent with national policy? In particular, the requirement for connectivity to the fastest technically available broadband network unless this is not possible.

2.38. Firsure Ltd has no specific comments on this issue.

Proposed Change

2.39. To overcome the objection and address soundness matters, the following changes are proposed:

- Introduce greater flexibility into Policy 8 Part A.

- Review the affordable housing requirements for low and medium value areas in the light of updated evidence.
- Introduce additional flexibility into policy 27, 29, 42 and 46 in the light of updated evidence on whole plan viability.