

# **EXAMINATION INTO EAST CAMBRIDGESHIRE'S LOCAL PLAN**

## **MATTER 11 STRENGTHENING COMMUNITIES**

**PERSIMMON HOMES EAST MIDLANDS REPRESENTATION**

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## Matter 11 Strengthening Local Communities

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**Issue 1: Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the approach towards the provision of housing and affordable housing?**

### **Summary of Statement**

1. Policy L6 in respect of higher accessibility standards is not supported by credible local evidence to distinguish East Cambridgeshire as a location that requires higher standards of accessibility than is provided for in the national Building Regulations..
  2. Policy L6 in respect of the self-build homes requirement is not supported by credible evidence to demonstrate that there is a need for this specific policy requirement, nor has the threshold or percentage requirement been justified against a need. It is unsound and should be deleted.
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### **PHEM's response to the Inspector's Questions**

#### **Dwellings with Higher Accessibility Standards**

***Question 48. What is the justification to require all housing within the district to be built to Building Regulations Part M (Vol 1) Category 2? Is there a quantified need and how does this requirement impact on the viability of housing and its delivery? Is the policy effective and consistent with national policy?***

3. The Council has set out that all new housing should be built to Building Regulations Part M (Volume 1) Category 2 standards (M4(2)), which is above the standard that the current Building Regulations require all homes to be built by default, which is Part M (Volume 1) Category 1 (M4(1)).
4. The Government has set out in its Planning Practice Guidance (PPG) that Local Planning Authorities can prescribe in planning policy a requirement for dwellings going beyond current Building Regulations. However, in doing so the authority must chronologically evidence its justification as below:
  - Have a clear understanding of housing need in its area (*paragraph 56-006 refers*);
  - Based upon this understanding, and using other data sets, set out how it intends to approach demonstrating the need for Requirement M4(2) (accessible and adaptable dwellings). To this end the Government provides a

- range of locally specific sources of evidence to take into account, including its own data sheet (*paragraph 56-007 refers*);
- They should then clearly state in their Local Plan what proportion of new dwellings should comply with the requirements (*paragraph 56-008 refers*)
  - Assessing the impact of the policy proposals on viability (*paragraph 56-006 refers*)
5. It is therefore necessary to follow this logical process based upon locally specific evidence to demonstrate why the population of the authority has specific needs beyond that experienced by national trends already catered for by national Building Regulations.
  6. The test is therefore as to whether the authority has provided this local evidence to justify its Policy.
  7. It is PHEM's view that the evidence presented by the authority in its Evidence Paper for Policy LP6 [**PS.EVR6**] falls a long way short of providing the level of evidence required.

### ***Evidence provided in PS.EVR6***

8. Evidence Paper PS.EVR6 presents its evidence on this subject in paragraphs 2.13 through to 2.23. PHEM has explored the evidence presented and it fails to justify the policy requirements, as set out below.
- Visibility Standards evidence*
9. The evidence presented in PS.EVR6 seeks to demonstrate that the existing housing stock is of poor quality in respect of visibility by disabled persons and as a result all new housing should be provided at higher specifications of accessibility to remedy this position.
  10. PS.EVR6 (paragraph 2.17 refers) places reliance upon the content of the English Housing Survey 2012 (EHS2012) (the relevant extract being appended to this Matter Statement), however, it only partially relays the content of the report that supports its case and doesn't report on those parts of the document that run counter to its case.
  11. Specifically the Council makes reference to paragraph of the EHS2012 that refers to 21.5M homes in England not being fully '*visitable*' by disabled people, where '*visitable*' is defined in the EHS2012 as having the following four features:

- level access;
- flush threshold;
- Sufficiently wide doors and circulation space; and
- WC at entrance level

12. PS.EVR6 then states (paragraph 2.17 refers) that while all four are much less than are needed to allow a property to be liveable in by many disabled people, still only 5% of homes had these four features. This is a reference again from the EHS2012.
13. However, aside from these being national statistics and not locally specific as the PPG requires, what PS.EVR6 fails to acknowledge is that in paragraph 2.18 of EHS2012 it states that:
- "The likelihood of a home being fully visitable varied by age, tenure and type. Not surprisingly, owing to the requirements of modern building regulations, homes built after 1990 were most likely to be fully visitable (26%). Conversely homes built before 1945 (32%) and those built between 1945 and 1964 (30%) were more likely to have no visibility features".* Paragraph 2.18 (appended to this statement at Appendix A)
14. The statistic of 21.5M homes being not being fully visitability presented in PS.EVR6 is clearly significantly influenced by the existing ageing stock and not representative of the modern post Building Regulations regime that provides all of the above four visibility features as standard. As such the issue is not a matter for new build properties, but the existing housing stock, and particularly the ageing housing stock, and how the adaptation of this is key to resolving this issue reported.
15. Furthermore the quote at paragraph 2.17 of PS.EVR6 that references that the EHS2012 states only 5% of homes have four of the visibility features, fails to reference the full paragraph in EHS2012 which states that the 5% is a figure from 2012, and that this was an increase from 2007 of 3%, which will have been a result of improved accessibility in new build stock.
16. In summary therefore what the EHS2012 is telling us is that between 2007 and 2012 the percentage of the **total stock of homes in England** that had all four of the visibility features increased by 2%. This will have been a result of the Building Regulations at the time which included the four visibility features referred to.
17. Furthermore, since 2015 all new homes have to be constructed to Part M4(1), which incorporate all of the above four visibility features referred to in PS.EVR6 and EHS2012 and addressing accessibility issues.
18. Therefore the Council's evidence on the necessity of all new housing meeting the four requirements of visibility is superfluous as new buildings meet all these now, and the point being made is more relevant to adaptation the existing stock and improvements needed to that, as referenced in the EHS2012. This is not a matter for new build properties.
19. The evidence presented by PS.EVR6 in respect of the EHS2012 is therefore irrelevant. There is nothing that is locally relevant or consistent with the data required to be provided as advised by the PPG and all references are to the

visitability criteria, all of which are met by Part M4(1) standards. As a result there is no evidence presented to go beyond Part M4(1).

*Poor Design Standards and adaptability requirements evidence*

20. Through paragraphs 2.19 and 2.20 of PS.EVR6, the Council makes the case that as a result of poor design standards properties are inaccessible and there is an increased need to make adaptations to the properties. The evidence, however, is not relevant to new build properties and the Council is attempting to either conflate new build with the problems of historic housing stock and seeking higher standards in the new stock to resolve existing problems, or suggesting that the new build properties should be addressing the issues arising in the existing housing stock. Both of which are inappropriate. It is also seeking to do this without reference to issues locally.
21. The evidence therefore does not justify the policy against the requirements of the PPG as explored below.
22. PS.EVR6 sets out at paragraph 2.19 that "***as housing has historically been built to poor standards of accessibility, demand for housing adaptations is particularly high: demand for Disable Facilities Grants, to fund adaptations, is estimated to be 10 times available funding***"
23. PS.EVR6 sets out (paragraph 2.19 refers) to a five year old study by Astral Advisory that makes the statement that there is a significant waiting list for funding for adaptations to existing properties as a result of poor design. The inference in this paragraph is that there is a significant waiting list nationally for people to gain access to accessible housing and that the new housing stock should make up for this.
24. Paragraph 2.20 expands on this, again referring to EHS2012 which states that 10 million homes in England have poor design standards that mean adaptive work is required to make the property visitable by a disabled person but this is expensive or impossible.
25. The emphasis given in the paragraphs is that there is a latent demand for accessible properties in East Cambridgeshire (albeit no local evidence is demonstrated), and that this should be addressed in new build properties to a higher standard than the current Part M4(1) Building Regulations. However, aside from the new build properties providing significantly higher standards of accessibility than the historic stock already through the Building Regulations Part M4(1) and addressing this issue by default, the Council's evidence doesn't demonstrate any additionality on this is required at all.
26. The evidence quotes national data sets from ageing studies that have no relevance to the demographic make up of East Cambridgeshire, and any attempt to correlate East Cambridgeshire with national data sets is fundamentally flawed in principle as the evidence as not being locally distinctive enough to move away from national Building Standards put in place in the context of the national data.

27. PHEM sets out that all new homes built within East Cambridge will have to meet the national Building Regulations Part M4(1) standards put in place to address national trends in accessibility, and that there is no evidence provided in PS.EVR6 that provides locally distinctive evidence consistent with that set out in the PPG to justify going beyond this.

#### Conclusion

28. With reference to the PPG (paragraphs 56-006 to 56-008) the Council has not presented any evidence that it has a clear understanding of its housing need in its area that demonstrate that it differs from national trends to justify policy requiring high standards of accessibility than is provided for through the existing Building Regulations. The policy should be deleted.

#### Self build Properties

***Question 49) What is the justification for the 100 dwellings plus threshold set of self-build housing? Is such an approach justified, effective, and consistent with national policy? What are the practical implications? Is the wording of the policy effective?***

29. The Inspector has asked what the justification for 100 dwelling threshold is. PHEM sets out that there is no justification for the threshold, or the 5% requirement.
30. The PPG states (paragraph 021 refers) that once an overall housing figure has been identified, plan-makers will need to break this down by tenure, household type (singles, couples and families) and household size. The PPG sets out that Plan-makers should also examine current and future trends for the need of certain types of housing and different groups, including the self-build and custom house building sector.
31. The PPG is therefore clear in that a level of need for self build properties should be established in the context of the overall housing figure. This is even more pertinent now that the Council is pursuing a route of its housing need being established by the Standard Housing Need Methodology, as there is no component in this that separately establishes need for self build properties. Therefore a blanket 5% requirement has no correlation to any need figure, that is capped based upon a standard methodology. The risk is therefore that the authority is seeking to provide more self build properties than is needed at the expense of other forms of housing.
32. The Council's self build register will provide a source of evidence but in order to obtain a robust assessment of demand for this type of housing in their area, the PPG states that local planning authorities should supplement the data from its self-build housing registers with secondary data sources such as building plot search websites, 'Need-a-Plot' information available from the Self Build Portal; and enquiries for building plots from local estate agents.

33. The Council's evidence sets out PS.EVR6 (paragraphs 3.8 to 3.10 refer) that there is a strong demand for self build properties in East Cambridgeshire, demonstrated by the large number of self build properties claiming Community Infrastructure Levy (CIL) relief, and the high number of people listed on the statutory self build register. But doesn't extrapolate this evidence or supplement it to establish a need figure for the plan period that is required under the PPG. None of the above sources are referenced.
34. For context, the Council's 2017 Annual Monitoring Report sets out that there are 60 people registered on its self build register. This sets out a reasonable starting place for the identification of need. However, for context, this comprises 0.5% of the total need identified over the plan period. If for example a shorted representative period is taken, such as a five year period, it equates to 2% of the housing need of the authority, at best.
35. Therefore in establishing a policy requirement there is no correlation in Policy L6 to the recognised need and the requirements of the policy. Base principles require the need to be established first and this is absent.

*The justification for the 100 dwelling threshold*

36. The Council has set out that sites over 100 dwellings should provide 5% self build plots in an appropriate location and appropriately serviced. There is no justification in the Council's evidence of why the threshold is 100 units.
37. The PPG sets out that the Council must look at their own land and the encouragement of land owners to provide land for self-builders, instead the Council has transferred its responsibility onto the house building sector and this is not appropriate, and runs counter to the Governments intentions to boost housing supply.
38. The Government is seeking to assist a range of housing to come forward of a different type and tenure and from a range of sources, including smaller house builders and self build. The new NPPF also sets out a specific requirement of housing supply to come from small sites. This is the emphasis of the Government to increase house building from a range of sources. What the Council is now doing, is seeking to conflate the delivery from major house builders with the deliver of smaller sources of supply such as self build, which defeats the object of the Government's policy to separate out such supplies and cater for them based upon need and function. The policy is therefore counterintuitive to the Government agenda to boost housing delivery. It is not consistent with the national policy to boost housing supply.
39. There is no justification provided by the authority as to why the threshold approach of 100 units is appropriate, nor how it is intended to address a need which has not been established. Furthermore it actually has the effect of reducing the effectiveness of the local authorities housing supply by limiting new

housing on major sites that fulfil a known need for housing by conflating the two sources of supply.

*What are the practical implications?*

40. The practical implications are numerous, and not beneficial.
41. The Government is looking to speed up the delivery of new homes and Persimmon Homes is working alongside the Government to demonstrate higher rates of delivery on new sites. This includes maximising efficiency on site and through the construction process. Persimmon Homes delivers new homes effectively and efficiently through processes such as off-site timber frame construction and having its own brick factories etc. This enables the company to deliver new homes on site quickly. The efficiency is also extended down to site practices and streamlined construction that enables the company to support the Council's housing trajectory.
42. The company's practice mechanisms for delivery are such that houses can be delivered quickly and consistent within the controls of reserved matters and relevant conditions. Self-build projects, however, are not able to deliver to the levels of efficiency that Persimmon Homes can and timescales are exceptionally in excess of the average time for a Persimmon Home to be constructed. As such on-plot self-build requirements slow down the delivery of homes on major sites which affects the Council's supply of homes. The Council is in effect substituting a proportion of expedited housing delivery on major sites with a proportion of slower and more unstable delivery from self-build. This can affect reserved matters periods which may result in the need for renewed planning permissions (e.g. reserved matters) etc. Conversely, purchasers of self-build plots may also stop building due to lack of funds or excessively slow build programme resulting in part of the development site appearing to be still under construction which can give bad customer experience for purchasers of homes from the principal house builder who expected the site to be completed.
43. Combining self build plots also harms the delivery and practicality of site management and delivery of homes. It also makes the planning controls of site difficult through discharge of planning and S106 obligations, all of which can delay the delivery of homes.
44. Implementing self-build plots into major development sites could cause conflicts with Design and Access Statements and other design controls. Self-builders often want a bespoke plot to build an individual design, which might not align with how the local planning authority want major schemes (and the NPPF) to maximise the use of land in developments with higher density. It is also unclear how the Council would serve enforcement notice on self-builders for breach of conditions etc. There are also further legal complications as to how the liability of self-builders sit within a Section 106 Agreement for the wider site.
45. There are also significant health and safety issues with incorporating self-build plots alongside a principal house builder. As a principal house builder material,

plant and equipment are stored efficiently as the build programme progresses to allow plot construction to be free of plant and material storage etc. This creates both safe and efficient working practices. This is significantly compromised with self build plots where materials cannot often be held on plot leading to material spreading off plot for which the principal house builder cannot be responsible for.

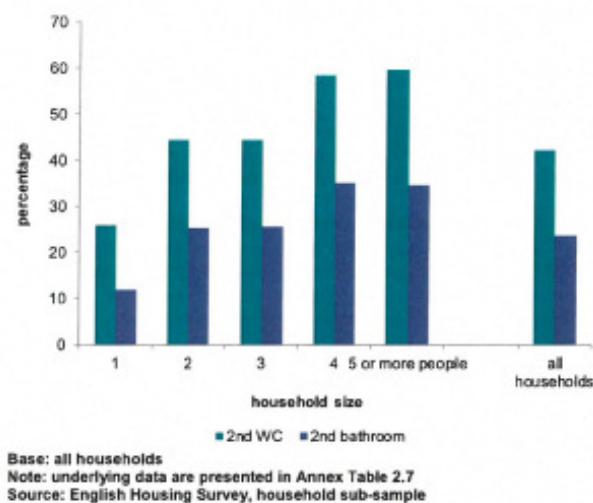
46. There are also wider issues within a controlled site from members of the public wanting to access self-build plots and also ad-hoc self-builders wanting to access the plots outside of operation hours (especially as those defined by condition).
47. Should the Inspector, however, agree that Policy L6 remains, the threshold must be significantly higher than 100 dwellings so that readily deliverable sites can maximise delivery for the Council's housing trajectory, and self-build properties be provided on larger sites where opportunities 'may' be present to disaggregate build programmes. Additionally there must be a time limit incorporated into the wording of the policy to allow for the principal house builder to market the additional plots for self-builders and if no effective offer is made within this time period, the requirement to provide self-build plots falls away and the house builder should be able to develop the plots as part of the remainder of the site. The principal house builder cannot be responsible for unfinished sites where the liability is beyond its control and planning applications expiring, thus harming delivery of the Council's supply.

#### *Conclusion*

48. The self build requirements of Policy L6 are not justified and in fact harm housing delivery in the district. It is not consistent with the Government's intentions to separate out and provide for specific sources of housing supply as it conflates major house building and bespoke self build, thus harming strong supply from the former with less certain supply from the latter. The policy should be deleted.

## Appendix A: Extract of the English Housing Survey: Profile of English Housing 2012

Figure 2.5: Secondary amenities, by household size, 2012



### Accessibility of dwellings and disability adaptations

- 2.15. The EHS physical survey assesses the presence of a number of features that enable dwellings to be more accessible for people with disabilities, including wheelchair users. This section firstly examines the prevalence of each of these features within the housing stock in 2012. It then examines the 'visibility' of homes, defined based on four key accessibility features (see Box 2.1), by tenure, age and type for 2012 and how this compares with 2007. Finally, it investigates how easy it would be to adapt homes to provide all four visibility features where they do not already exist.
- 2.16. In 2012, 74% of homes had no change in floor level or trip steps at entrance level, 63% of homes had a WC at entrance level, 56% had a room at entrance level that would be suitable for a bedroom and 39% had a bathroom at entrance level. Just 17% of homes had level access or a wheelchair accessible WC at entrance level. Around a quarter of all homes had the following features: sufficiently wide door and circulation space (26%) or a flush threshold to the main entrance (24%). Some 21% had straight stairs of sufficient width (900mm) with landings, required for safe and accessible use, Annex Table 2.8.