

Darlington Borough Council Hearing Statement

May 2021

Matter 5 - Meeting particular housing needs

Housing mix (policy H4)

Q5.1. Is the Council's proposed modification to the opening paragraph of policy H4 necessary to make the Plan sound and, if so, would it be effective in so doing?

Yes. It is the Council's view that the proposed modification to the opening paragraph of policy H4 is necessary and effective to make the Plan sound. The alterations are required to ensure the policy is effective in the manner in which it refers to the SHMA. Suggested wording from Historic England, to give consideration to a site's character, also ensures that the policy is effective. The modifications proposed are appropriate and ensure the soundness of the policy.

Q5.2. Is the Council's proposed modification to the requirement in policy H4 for accessible and adaptable homes necessary to make the Plan sound? Is the modified requirement (47%) justified by up to date and proportionate evidence including about need and viability having regard to relevant national guidance¹?

Yes. It is considered that the proposed modification to the requirement in policy H4 for accessible and adaptable (category 2) homes is necessary to make the plan sound and is effective in doing so. The reduction in the requirement from 80% to 47% ensures that the policy is justified as it reflects the most recent evidence on need in the latest SHMA 2020 (SD08). The study outlines how national and local data has been utilised in modelling work to estimate the number of households likely to require accessible and adaptable dwellings. Full details can be found in the assessment which are also briefly summarised in the Council's Housing Topic Paper. The additional costs identified for achieving the standards have been included at the modified requirement levels in viability testing which demonstrates that they would overall not undermine viability either individually or cumulatively with other policy requirements; details are set out in the Local Plan Viability Assessment (CD08). In addition, the policy sets out that it is subject to the consideration of site viability at the planning application stage providing a further opportunity for the site specific viability implications to be considered. Full regard has also been given to national guidance in preparing the supporting evidence base for the standards and in the formation of the policy.

¹ PPG:ID-63 (2019) and ID-56 (2015).

Affordable housing (policies H5 and H6 and appendix E)

Q5.3. Are the affordable housing requirements of policy H5 table 6.5, which sets out three different levels of affordable housing for different parts of the Borough (which are defined on the map in Appendix E), justified by up to date and proportionate evidence relating to need and viability?

Yes. The Council considers that the affordable housing requirements set out in policy H5 table 6.5 are justified by up to date and proportionate evidence relating to need and viability. The most recent SHMA 2020 (SD08) identifies a substantial need for affordable housing in the borough; a total of 4,646 affordable homes over the plan period which equates to 233 per annum. Detailed supporting evidence on affordable need is set out in the assessment and is summarised in the Council's Housing Topic Paper. The affordable need represents a large proportion of the boroughs overall housing needs (47.2%). Given the level of affordable need identified in the borough, it is not possible to meet that need in full, however it is important to maximise the amount delivered through market schemes but without stifling overall development.

Policy H 5 sets three affordable housing requirement areas and outlines the percentage sought for each one. These areas are categorised by value and there is a low (10%), medium (20%) and a high (30%) value area (also defined on the map in Appendix E). The percentage requirements set resulted from the viability testing undertaken within the Local Plan Viability Assessment (CD08). Sensitivity analysis of the various site typologies in each of the value areas enabled the requirements to be set at levels which balanced maximising affordable housing delivery with ensuring that development remains viable. Deliverability should be not compromised or undermined as required by paragraph 34 of the NPPF. The testing showed that broadly the various requirement areas are capable of delivering the affordable percentages including cumulatively along with other policy requirements. Further explanation of the level of viability of the affordable housing requirements proposed is set out in the Councils response to Q1.15 above.

An overview of the policy approach to affordable housing is set out in the Council's Housing Topic Paper.

Q5.4. Is the Council's proposed modification to the affordable housing tenure split in policy H5 necessary to make the Plan sound and, if so, would it be effective in so doing?

Yes. It is considered that the proposed modification to the affordable housing tenure split in policy H5 is necessary to make the Plan sound and it is effective in doing so. Paragraph 62 of the NPPF outlines that, where a need for affordable housing is identified, planning policies should specify the type of affordable housing required. Paragraph 64 goes on to state where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable homeownership.

The definition of affordable housing was changed by the revised NPPF in 2018, with a specific emphasis placed on affordable homeownership and the above requirement in paragraph 64 introduced. The SHMA 2020 (SD08) took into account the revised definition in the assessment of the affordable needs of the borough. The study identified a greater need for affordable rent and indicated a split between affordable to rent and affordable to own of almost exactly 70:30. Full details can be found in the document.

The modifications proposed to the tenure split in policy H5 is required to ensure the policy is justified, reflecting the most recent evidence from the SHMA 2020 and to ensure consistency with national policy (10% of dwellings being available for affordable home ownership). The evidence highlighting a greater need for affordable rent can only be reflected in the higher value area due to the NPPF requirement for 10% affordable homeownership. Consequently a 65:35 tenure split (affordable rent: affordable home ownership) is proposed in the higher value areas. The proposed split ensures that the NPPF requirement is met.

The proposed revised tenure splits have been incorporated in to the viability testing undertaken within the Local Plan Viability Assessment and further detail is provided in the Local Plan Viability Assessment (CD08).

It is considered that the modification to the policy is effective in that it clearly sets out the tenure split in each of the affordable housing requirement areas. It would be evident to a decision taker what tenure split is required in the different areas.

Q5.5. Is the exemption for executive housing schemes to provide on-site affordable homes consistent with national policy which aims to create mixed and balanced communities², or otherwise justified?

Yes. It is the Council's view that the exemption for executive housing schemes to provide on-site affordable homes is justified and consistent with national policy which aims to create mixed and balanced communities.

Paragraph 62 of the NPPF sets out that planning policies should expect affordable housing need to be met on site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified, and the agreed approach contributes to the objective of creating mixed and balanced communities.

As set out in the Council's response to PQ32 the justification for allowing an exception for affordable housing on-site for such schemes is that the 'product' offered is often too large to provide an affordable solution. Registered Social Landlord's would not be interested in taking on a sizable property and viability considerations related to typically higher land values mean better value could often be sought in the way of an off-site contribution. As it is an exception developers could still make on site provision should they be able to achieve it and the Council will encourage them to do so.

² NPPF 62.

It is also considered that off-site provision or an off-site contribution would still be contributing to the objective of creating mixed and balanced communities. Although not provided as part of the original executive scheme affordable delivery elsewhere in the borough in suitable locations, mixed in terms of type and tenure, would still assist in achieving the above objective. As set out above it could also result in a greater number of affordable homes being delivered and meeting more needs. The Council's involvement in affordable delivery will also assist in achieving this.

Q5.6. Is the Council's proposed modification to H6 relating to entry-level exception sites necessary to make the Plan sound and, if so, would it be effective in so doing?

Yes. The Council considers that the proposed modification to H6 relating to entry-level exception sites is necessary to make the Plan sound and is effective in doing so. Paragraph 71 of the NPPF sets out that Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. Sites should be on land which is not already allocated for housing and should meet certain criteria. They should offer one or more types of affordable housing as defined by Annex 2 of the NPPF.

Despite the introduction of entry-level exception sites in the NPPF no subsequent changes were made to the Local Plan in this regard prior to its submission for examination. This was simply an oversight and as such the modification to policy H6 is necessary to ensure consistency with paragraph 71 of the NPPF. The related criteria comply with that in the NPPF and also reference that sites should not conflict with other policies in the Local Plan. The additional policy text is considered to be effective and clear to the decision maker.

Residential development in the countryside (policy 7)

Q5.7. Are the Council's proposed modifications to policy H7 necessary to make the Plan sound and, if so, would they be effective in so doing?

Yes. It is considered that the proposed modifications to policy H7 are necessary to make the Plan sound and are effective in doing so. The additional policy text and criteria for rural workers dwellings will ensure that the policy is effective and consistent with national policy (NPPF paragraph 79). As set out in the Council's response to PQ34 the reference to 'exceptional circumstances' is not intended to be an additional policy test. Criteria (a) to (e) are intended to be the test of circumstances where replacement dwellings may be acceptable. A modification has therefore been proposed to delete this reference to ensure that the policy is effective and clear to the decision maker. Finally, it has been acknowledged that reference to the 'wider landscape' in criteria h conflicts with national policy and is therefore proposed to be deleted.

Housing intensification (policy 8)

Q5.8. Are the Council's proposed modifications to policy H8 necessary to make the Plan sound and, if so, would they be effective in so doing?

Yes. The proposed modifications to policy H8 are necessary and effective to make the Plan sound. As set out in the response to PQ36 the reference to backland or garden development being allowed 'exceptionally' was unclear and not intended to be an additional test in the policy to meeting criteria (i) to (iv). A modification is proposed to remove this reference to ensure the policy is justified and effective. Alterations are also proposed to ensure that the policy is effective and consistent with national policy in the way it refers to supporting SPDs, in this case the Design of New Development SPD (2011).