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# Inspector's Matters Issues and Questions

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Examination of the Darlington Local Plan

Part 1 Hearings (Matter 5 – Meeting Particular  
Housing Needs)



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## Introduction

We have been instructed on behalf of our clients, Hellens Land Limited and Homes England, to submit a response to the Examination of the Darlington Local Plan: Inspector's Matters, Issues and Questions. Hellens Group have over 40 years' experience of delivering a range of housing, leisure and infrastructure developments across the North of England. Homes England is a non-departmental public body which works to accelerate housing delivery, working with developers across the country to improve neighbourhoods and grow communities.

Our client's joint interest is in respect of the Burtree Village which is located north west of Darlington and is located within the jurisdiction of Darlington Borough Council. These representations have been submitted to support the proposed strategic allocation for 2,000 residential dwellings, 200,000 sqm of employment space, community facilities, link road and associated infrastructure at Greater Faverdale (Burtree Garden Village).

This Statement should be read in conjunction with all previous representations made on behalf of our clients in relation to Burtree Garden Village.

Our clients are committed to ensuring the strategic allocation (and the Publication Draft Local Plan) is sound and robust. Our comments will therefore focus on the following Matters:

- Matter 1: - Legal and Procedural Requirements and other General Matters
- Matter 2: Amount of development needed in the Borough
- Matter 3: Vision, aims, objectives and spatial strategy
- Matter 4: Housing development
- Matter 5: Meeting particular housing needs
- Matter 7: Economic Development
- Matter 8 – Town Centres and Retail Development
- Matter 9- – Transport and other infrastructure
- Matter 10 - Other strategic and development management policies
- Matter 11 - Other Issues

# Inspector's Matters Issues and Questions

Hellens Land Limited and Homes England

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This statement addresses a number of questions raised by the Inspector under Matter 5: Meeting particular housing needs.

## 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?**

Hellens Land Ltd (HLL) and Homes England (HE) welcome the modification to the opening paragraph which provides additional flexibility when it comes to agreeing a suitable housing mix, the finer details of which could be influenced by site specific matters. Indeed, the modification could be amended further to improve efficacy as suggested below:

“A suitable housing mix should also give consideration **to site specific matters, including** a site's location, physical constraints, **character** and surrounding context”.

The amendment ensures that a policy compliant analysis can be undertaken in decision making that considers each site, with its own infrastructure requirements and constraints, on its own merits rather than being overly prescriptive as to what should or should not be considered. We believe that this approach, in addition to the proposed modification ensures that the size, type and tenure of housing needed for different groups is reflected in policy as required by paragraph 61 of the NPPF but allows for some proportionate flexibility to be applied by the determining authority.

#### **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 guidance?**

It is noted that this modification represents a significant reduction from the 80% requested previously and is reflective of paragraph 5.13 of the Council's housing topic paper. Nonetheless, this level of requirement is still substantial, (especially when combined with the 9% requirement for wheelchair user dwellings) for what is an optional national standard for policy making. As such, our clients point remains as per our Regulation 19 representations that it is unclear whether the evidence underpinning the conclusions of the SHMA is sufficient to justify this requirement.

The NPPG 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<sup>1</sup>.

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<sup>1</sup> NPPG Paragraph 007 Reference ID: 56-007-20150327

The SHMA provides an estimate of likely future need against the adaptability of existing stock, but this analysis is not clearly drawn together to a conclusion with the wider considerations on size, location and type of dwellings or the variance of needs across tenures. Indeed, as per our previous representations, authorities elsewhere in the north east, where demographics are similar, have reached conclusions to apply a much reduced requirement. For example, the Sunderland Core Strategy and County Durham Plan both require developments of 10 or more homes to provide 10% Category M4(2) which is a substantial difference in approach both in the requirement and due to a focus on major development.

With specific reference to County Durham, viability is also a consideration in the policy. Guidance suggests that policy 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<sup>2</sup>. As drafted Policy H4 does not permit this consideration in decision making.

Guidance also states that policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling<sup>3</sup>. At present the policy takes a much broader and potentially onerous approach with a 9% requirement on all new homes to have the ability to be wheelchair accessible subject to simple adaptation or to already meet the needs of occupants with wheelchairs (M4(3)(a) or (b)) both of which are categorised as a “wheelchair user dwelling” for the purposes of building regulations. A separate additional policy requirement for Council allocated or nominated homes is then included to establish the higher M4(3)(b) standard. By comparison, the County Durham Plan only requires M4(3) standards to be achieved on specialist housing developments.

Policy should be justified and provide a developer with clarity as to what is required at the outset and as worded, this is not achieved, with the policy requiring discussions with the local authority to establish the level of need and to therefore work out which standards would apply. As worded, a combination of a blanket requirement for higher standards of accessible homes combined with unclear requirements has the potential to lead to undue delays in granting planning consent and delivering homes in due course. As such, the policy cannot be deemed justified or effective and is therefore unsound. An approach similar to that adopted by Sunderland or County Durham may rectify this.

### ***Affordable housing (policies H5 and H6 and appendix E)***

#### **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 communities<sup>48</sup>, or otherwise justified?**

HLL and HE are supportive of the policy provision for affordable housing to be provided off-site in specific circumstances including executive development. However, in the case of Greater Faverdale, there may still be the opportunity to provide this on-site to better contribute to a balanced and mixed community. As such, we would request that Policy H5 is amended slightly as follows:

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<sup>2</sup> NPPG Paragraph: 008 Reference ID: 56-008-20160519

<sup>3</sup> NPPG Paragraph: 009 Reference ID: 56-009-20150327

- a) Executive housing (where the nature of the development cannot accommodate on site delivery)

In addition to this, we would also request that reference is also made to self-build dwellings as a form of development which would be appropriate for an off-site contribution where the threshold of 10 dwellings is exceeded. Policy H11 at Greater Faverdale includes a reference to self/custom build housing in criterion a) as part of a range of house types to be developed. Self-build plots would be brought forward individually and typically by different developers as such there is no opportunity for DBC to deliver affordable housing on site in that scenario. However, there are examples in the wider region where outline consent is sought for a number of self-build plots above the 10 dwelling threshold and a master developer provides the central infrastructure with self-builders subsequently submitting their own reserved matters. In this instance, an off-site contribution would be negotiated at the outline planning application stage.