

Hertsmere Local Development Framework

Development Plan Document

Revised Core Strategy

Matter 3 Statement

Other Housing Matters; Sustainable Buildings

(Policies CS4, CS5, CS6, CS7, CS15 and CS16,
SP1; CS18, CS21)

Hearing: 2nd May 2012

April 2012



Issues

1. **Is there a sound basis for the targets and thresholds for affordable housing in the RCS, including in terms of economic viability? Is the RCS sufficiently ambitious in this regard?**
 - 1.1 The Council has a justifiable basis for its affordable housing percentage target and threshold, which are as ambitious as possible. The SHMA (CD/96) is a key part of the Council's evidence base for housing need, and demonstrates a requirement for approximately 292 affordable housing units per annum. However, the NPPF, at paragraphs 173 and 174, stipulates that LPAs must not subject development to burdens that will render schemes unviable or threaten delivery.
 - 1.2 The Council has, thus, set its percentage target and threshold for affordable housing at levels that are lower than that which would be required to meet the need identified in the SHMA. The Development Economics Study (DES) (CD/72) explains the basis for the Council setting a percentage target of 35% and a threshold of 10 (gross) residential units (or a residential site of more than 0.3 hectares in size) in RCS policy CS4. This document tests the viability of affordable housing delivery when various options for percentage targets and thresholds are applied, taking into account existing and possible future policy objectives.
 - 1.3 In relation to the percentage target, the DES found that a split percentage target of 40% in Radlett and rural Hertsmere, and 35% elsewhere would be deliverable across Hertsmere. This option was rejected. First, because it was felt that a single percentage target across the Borough would avoid confusion. Second, it was considered that the Council would be not able to easily identify justifiable area boundaries to split the Borough. Third, it was noted that a relatively small amount of housing is delivered within Radlett and rural Hertsmere – the SHLAA Update Report (CD/95) projects 6% of the Borough's housing supply to 2027 – meaning that a slightly higher percentage target would make little difference to overall delivery. Finally, it should also be noted that a flat 35% percentage target is consistent with the overall regional target set by RSS (CD/31) policy H2.
 - 1.4 Turning to the threshold, the DES found that a 5 unit threshold could be delivered. Again, this option was rejected. The first reason for this was because introducing a 5 unit threshold would not deliver many additional affordable housing units over and above those that would be delivered through a 10 unit threshold. This is shown in tables 3.1a and 3.1b in relation to projected supply from specific sites to 2027 and commitments at 01/04/2011, respectively. This data shows that few schemes are between 5 and 9 units in size. Second, the Council's Housing Team has

advised that the delivery of affordable housing units on very small sites may cause management difficulties for Private Registered Providers, including problems associated with the ‘pepper potting’ of affordable housing on small sites across the borough. Third, a lower threshold would most likely lead to some affordable housing units being delivered off-site, without the benefit of a grant, meaning that the viability of small schemes would be disproportionately impacted due to the cost of commuted sums. Fourth, a 5 unit threshold could have resource implications for the Council and applicants, as it is expected there could be prolonged negotiations on the matter, as illustrated by other LPAs with such thresholds.

Table 3.1a: Estimated affordable housing element of supply from specific sites to 2027

Scheme size (dwellings)	Number of dwellings	Affordable housing element (35%)	Percentage of total affordable housing element
1 to 4	60	21	2.8%
5 to 9	95	33	4.5%
10 to 14	55	19	2.6%
15 to 24	134	47	6.3%
25 to 49	154	54	7.3%
50 to 99	273	96	12.9%
>100	1340	469	63.5%
Total	2111	739	

Table 3.1b: Estimated affordable housing element of supply from commitments (at 01/04/2011)

Scheme size (dwellings)	Number of dwellings	Affordable housing element (35%)	Percentage of total affordable housing element
1 to 4	122	43	10.2%
5 to 9	89	31	7.5%
10 to 14	179	63	15.0%
15 to 24	78	27	6.5%
25 to 49	78	27	6.5%
50 to 99	63	22	5.3%
>100	583	204	48.9%
Total	1192	417	

2. Is the provision for gypsy and traveller accommodation justified and deliverable? Are the criteria in Policy CS6 appropriate and on what basis would planning applications be assessed?

- 2.1 As set out in RCS paragraphs 3.38-3.42, the Council's strategy for the provision of Gypsy and Traveller accommodation is justified and deliverable. It is based on the target set by the RS single-issue review (CD/32), which specifies that within Hertsmere provision should be made for a minimum of 18 additional pitches between 2006 and 2011 and a further 3% annual compound increase beyond 2011 to 2021.
- 2.2 Policy CS6 of the RCS retains the target of 18 pitches to 2011, of which 10 have now been either delivered or granted planning consent – 6 at the Pylon Site in Potters Bar, 3 at Sandy Lane in Bushey and 1 at Shenleybury Cottages in Shenley. Beyond 2011, Policy CS6 retains the RS target to 2017, and requires a further 2 pitches per annum. Table 3.2a below shows that this rate of increase would exceed the RSS requirement over a 6-year period.
- 2.3 The Council considers that 2017 would be a suitable time to review Gypsy and Traveller accommodation need in the Borough. To ensure that the Council is able to identify sufficient land to meet accommodation need, it is appropriate to set a target for the next 5 years; however, by 2017 the existing Gypsy and Traveller Accommodation Assessment (CD/88) will be over 10 years old and the Council's evidence base should be refreshed in light of the recently published Planning policy for traveller sites document. Indeed, it is essential that such a review takes place at some stage during the plan period, as the RCS runs to 2027, whilst the RSS only plans up to 2021.
- 2.4 In terms of delivery, the Council is currently working with land owners to bring forward planning applications for the appropriate extension and intensification of existing established private and public sites. A statement on the Council's website, prepared in consultation with the Portfolio Holder for Planning, confirms this approach (see appendix M3.A). The Council is in advanced, confidential pre-application discussions with the owner of one site in relation to the provision of additional authorised pitches.
- 2.5 The Council will also seek to allocate land, if an additional site is required, for one larger site or a number of smaller sites to meet the target to 2017. The Accommodation Needs of Gypsies and Travellers in South and West Hertfordshire: Stage Two report (CD/98) forms part of the Council's evidence base and demonstrates that there is sufficient appropriate land in the Borough to deliver the accommodation required. Further, in line with Policy B of the Planning policy for traveller sites document, and within the next 12 months, the Council will produce further evidence demonstrating

specific deliverable sites for the next 5 years and specific developable sites or broad locations for growth over the remainder of the 15-year plan period. It is envisaged that this would be done through an update to the SHLAA. This approach is consistent with the RSS, which states that the required levels of provision should be achieved ‘through development control decision and Development Plan Documents’.

- 2.6 It is considered that the criteria for guiding the selection of new sites within Policy CS6 are appropriate. Policy B of the Planning policy for traveller sites document requires that, where there is identified need, such as in Hertsmere, criteria are set out. It is also required that these criteria are fair and that they facilitate the traditional life of Gypsies and Travellers, whilst respecting the interests of the settled community. Given that the criteria within Policy CS6 are consistent with the overarching aim of the Planning policy for traveller sites document and that they reflect its specific policies, it is considered that this is the case.
- 2.7 In relation to the assessment of planning applications for new Gypsy and Traveller accommodation, the criteria in Policy CS6 also provide a basis for determining any individual proposals, as per Policy B of the Planning policy for traveller sites document. Moreover, the Council has a number of saved policies within the Hertsmere Local Plan (2003) (CD/24) that, for the next 12-month period to March 2013, in accordance with paragraph 215 of the NPPF, apply to residential development. These will remain material to individual applications for Gypsy and Traveller accommodation and provide a good basis, alongside Policy CS6, the Planning policy for traveller sites document and the NPPF, for making an assessment of the impacts arising from such development.

Table 3.2a: Gypsy and Traveller pitch increase over 6 years

Year	Pitches at start of year (3% RSS target)	Increase (3% RSS target)	Pitches at end of year (3% RSS target)	Pitches at end of year (+2 RCS target)
1	53.00	1.59	54.59	55.00
2	54.59	1.64	56.23	57.00
3	56.23	1.69	57.91	59.00
4	57.91	1.74	59.65	61.00
5	59.65	1.79	61.44	63.00
6	61.44	1.84	63.28	65.00

- 3. In all other respects, are there reasonable prospects that an appropriate range of housing by size and type, including that necessary to meet the needs of an ageing population, will be delivered through the implementation of the RCS? How will the need for sheltered housing accommodation be provided? Is the constraint imposed by Policy CS18 in relation to healthcare and elderly care facilities justified? Should Policy CS7 (ii) not also apply to large windfalls?**
- 3.1 The Council considers that RCS Policy CS7 will ensure that an appropriate range of housing by size and type will come forward. The Council's approach towards securing an appropriate mix of housing across all tenures is set out at RCS paragraphs 3.43-3.49.
- 3.2 Policy CS7 requires that there is some variation in unit type and size across schemes of 10 or more units and that schemes of 25 or more units (or on sites of 1 hectare or more) reflect identified variations within the Borough's housing need. The SHMA (CD/96) provides housing projections that demonstrate the need for a mix of unit sizes, and any applicant proposing a sufficiently large scheme would also be directed towards the Council's Housing Team for additional advice.
- 3.3 Tables 3.1a and 3.1b (above) illustrate that 83.7% and 60.7% of future projected housing units to 2027 from specific sites and commitments, respectively, will come forward as a part of schemes comprising 25 or more units. A significant proportion of the Council's housing supply will be on sites providing a mix of housing on-site, which would contribute directly towards meeting identified need for different sizes and types of units. Further, 8.9% and 21.5% of residential schemes from specific sites and commitments, respectively, will deliver between 10 and 25 units, and will provide some on-site mix of unit size and type. Of course, it should also be noted that smaller residential schemes that do not provide a mix of unit sizes and types on-site will also contribute to the Borough's overall mix.
- 3.4 The Council will ensure that the mix of housing delivered within the Borough will provide for the needs of ageing members of the population. The main mechanism for providing suitable housing is RCS Policy CS21, which requires that all new homes are built to the Lifetime Homes standard. This is discussed below in relation to Issue 4 (Matter 3). Purpose built retirement homes will be delivered by the market and the Council will work positively on a case-by-case basis to secure an appropriate mix of development within this type of housing.
- 3.5 Policy CS7 requires that sheltered housing is provided on larger sites allocated within the forthcoming Site Allocations document. The Council

considers that this will ensure that sufficient new accommodation of this type is provided as part of and integrated within larger residential schemes. There may be a small number of windfall residential sites that are large enough to viably support a proportion of sheltered or extra care housing. On account of this, Policy CS7 should be amended to make clear that development on large windfall sites may be expected to include this type of housing as part of its overall mix.

3.6 In relation to RCS Policy CS18, it is not considered that this policy represents an undue barrier to the development of healthcare and elderly care facilities. Saved Hertsmere Local Plan (2003) (CD/24) Policy H6 sets out a presumption against the net loss of satisfactory residential accommodation. Policy CS18 compliments this policy and makes clear that the Council will support the provision of healthcare and elderly facilities but seeks a balance between this and the planning issues associated with the delivery of these facilities through the conversion of residential properties. However, where it can be clearly demonstrated that there are no other suitable sites or buildings available within the relevant catchment area, the conversion of such properties will be acceptable, in principle. It is not felt that it adds any additional constraint over and above that which already exists.

3.7 The changes proposed in relation to this issue are set out within Appendix M.3B.

4. Is there adequate justification for the approach to provision of Lifetime Homes and financial contributions in lieu? (paragraph 3.48 and Policy CS21)

4.1 The Council's approach to the provision of Lifetime Homes is in compliance with the NPPF, which, at paragraph 50, states that LPAs should plan for housing that meets the needs of different groups within the community, including families with children, the elderly and people with disabilities. The Lifetimes Homes website states that the standard can be 'universally applied to new homes at a minimal cost' to create 'ordinary' housing.¹ Principle 1 of the standard goes on to explain that one of its key aims is to create 'an inclusive environment... to assist use by everyone, regardless of age, gender or disability'.² Therefore, the Council's requirement that 100% of new residential units be built to the Lifetime Homes standard, as set out in RCS Policy CS21, is considered justifiable. This is because it seeks to meet the housing needs of the community through the application of a standard that can be applied to all new homes to make them accessible to everyone.

¹ <http://www.lifetimehomes.org.uk/pages/lifetime-homes.html>

² <http://www.lifetimehomes.org.uk/pages/lifetime-homes-principles.html>

- 4.2 It should be noted that other LPAs have taken a similar position in relation to the provision of Lifetime Homes, also requiring that 100% of new residential units meet this standard. The London Plan (CD/108) includes this requirement as part of Policy 3.8(B)(c) and at paragraph 3.48; meaning that all London boroughs, including Harrow, Barnet and Enfield, which adjoin Hertsmere, have the same approach as that set out within Policy CS21.
- 4.3 Notwithstanding this, the Council recognises that there may be reasons why the Lifetime Homes standard cannot be applied to all new housing. Policy CS21, in line with paragraphs 173 and 174 of the NPPF, is flexibly worded to ensure that the requirement for new housing to meet the Lifetime Homes standard does not render development unviable or prevent its delivery. For example, it may not be possible to apply the Lifetime Homes standard to some types of older building when undertaking a conversion to residential use. The Council does not want to set onerous requirements that would prevent this type of development coming forward.
- 4.4 Paragraph 3.48 of the RCS states that the Council will consider requesting a financial contribution towards the future adaptation of homes for residents with disabilities where the Lifetime Homes standard cannot be achieved. This is intended as one potential method of mitigating any impact caused by the failure to comply with Policy CS21 and provide sufficient accessible housing, given that contributions could for example be put towards the adaptation of existing homes under the Disabled Facilities Grant. This grant is administered by the Council and pays for changes to existing homes that are necessary to meet the requirements of a disabled resident. It is considered that this approach to requesting financial contributions in lieu is justified, subject to each contribution sought meeting the 3 tests set out at paragraph 204 of the NPPF and in section 122(2) of The Community Infrastructure Levy Regulations 2010. Contributions will be negotiated – and compliance with the 3 tests ensured – on a case-by-case basis. The Council’s Planning Obligations SPD will be updated to reflect this, prior to the introduction of a CIL Charging Schedule.
- 5. Are Policies SP1, CS15 and CS16 and the supporting text clear, locally justified and reasonably flexible in regard to sustainable construction targets for residential and non-residential buildings?**
- 5.1 The Council’s approach to sustainable construction targets for new residential and non-residential buildings, as set out in RCS policies SP1, CS15 and CS16, are clearly explained and justified in paragraphs 5.26-5.51. The evidence base for these policies is the Building Futures guidance (CD/48), which is Hertfordshire-specific and prepared by the

County Council, as well as the Hertfordshire Renewable and Low Carbon Energy Technical Study (CD/82). The requirements of Policy CS15 are shaped by the recommendations of the Building Futures guidance and Policy CS16, which sets specific sustainable construction targets for new buildings, is informed by the Renewable and Low Carbon Study.

- 5.2 The Renewable and Low Carbon Study looks at opportunities and constraints for the delivery of renewable and low carbon technologies across Hertsmere. In particular, the study considers the feasibility of different technologies being implemented and the impact that these would have on development costs. It makes a series of recommendations, including that variable sustainable construction targets should be introduced across Hertsmere. This option was considered but subsequently rejected by the Council as it would require combined heat and power plants and / or wind turbines to be delivered as part of larger development schemes in certain parts of the Borough. Given that there are few opportunities in Hertsmere for the development of schemes that would be large enough to deliver of this type of technology on-site, it was considered that this approach would be onerous and could impact negatively on the delivery of housing. It was also felt that the approach advocated – requiring a number of mapping exercises and area-policy designations – would be overly complex and potentially unclear.
- 5.3 Instead the Council has opted to utilise the general approach of the Renewable and Low Carbon Study towards securing sustainable construction, through requiring that, as a minimum, new developments are constructed to the current Building Regulations (Part L). As this is expressed as a minimum standard, the Council is able to be flexible in its approach towards securing sustainable construction and can use Policy CS16 as a basis for negotiating and securing higher standards where appropriate, particularly on larger sites or regeneration schemes.
- 5.4 Following consultation with Hertfordshire County Council (Environment), further clarity and flexibility has been built into the supporting text in respect of sustainable construction targets at paragraphs 5.27, 5.44 and 5.46. The changes are detailed in the agreed Statement of Common Ground.
- 5.5 Furthermore, Policy CS15, whilst clearly setting out the Council's requirements in terms of different elements of sustainable construction, is also flexible due to it being worded in such a way as to allow site- and development-specific solutions. It is recognised that Policy CS16 should be updated to reflect that the sustainable construction target relating to non-residential development uses the 2006 version of the Building Regulations (Part L).

5.7 The changes proposed in relation to this issue are set out within Appendix M3.C.

Appendices Content Page

Appendix M3.A: Council statement on Gypsy and Traveller pitch provision

Appendix M3.B: Minor changes to Core Strategy Policy CS7

Appendix M3.C: Minor changes to Core Strategy Policy CS23

Appendix M3.A: Council statement on Gypsy and Traveller pitch provision (issued 04/04/2012)

The approach advocated by the [previous] Government in 2006 emphasised the delivery of Gypsy and Traveller accommodation through the allocation of pitches and sites in a statutory plan, known as a Site Allocations document.

This approach has now been updated in a separate policy on traveller sites accompanying the new National Planning Policy Framework (2012) and the council will continue to work on identifying sites through the development plan process.

The delays which have affected the introduction of such plans across England mean that although this remains an appropriate way forward for longer term pitch provision, there is clearly merit, locally, in looking at ways in which the provision of pitches can be brought forward at the earliest opportunity. The recent approval of three additional pitches at Sandy Lane, Bushey, following joint officer working with the County Council, is an example of how Hertsmere Borough Council wishes to look at making the best use of suitable, long-established sites.

Therefore, where there is scope for additional pitches to be provided on suitable, long-established sites, the Portfolio Holder for Planning and Performance has confirmed that the principle of such development, and the submission of planning applications to achieve this, will be supported by the council, where the proposals are acceptable in overall planning terms.

Appendix M3.B: Minor changes to Core Strategy Policy CS7

N.B.: Deletions are struck through; insertions are underlined.

Policy CS7 - ...ii) on large sites allocated in the Site Allocations DPD and large windfall sites, the need for a proportion of sheltered or extra care housing is considered as part of the overall housing mix.

Appendix M3.C: Minor changes to Core Strategy Policy CS23

N.B.: Deletions are struck through; insertions are underlined.

Policy CS23 - ...All new non-domestic will be expected as a minimum to achieve CO2 emissions reductions in-line with the Building Regulations Part L. This requirement will not come into effect until successive updates to Part L of the Building Regulations become mandatory:

- 2010 - 25% reduction in the Building Emission Rate compared to the Target Emission Rate defined by Part L of the Building Regulations (2006).
- 2013 - 44% reduction in the Building Emission Rate compared to the Target Emission Rate defined by Part L of the Building Regulations (2006) (reductions above 70% can be delivered using allowable solutions)...