



Colchester Borough Council

**Independent Examination – Section 2 Colchester
Borough Local Plan 2017-2033**

Hearing Statement – Local Planning Authority

**Main Matter 15 – Policies DM12, DM13 and DM15 -
Housing Standards, Domestic Development and
Design and Amenity**

April 2021

Main Matter 15 – Policies DM12, DM13 and DM15 - Housing Standards, Domestic Development and Design and Amenity -

Are the Housing Standards, Domestic Development and Design and Amenity Policies justified by appropriate available evidence, having regard to national guidance, and local context, and CLP 1?

- 15.1 Policies DM12, 13 and 15 are justified by appropriate available evidence, having regard to national guidance, local context and CLP1. The criteria in the policies largely follows on unchanged from previous adopted plan policies and reflect national guidance in paragraphs 57, 58, 61 and 69 of the NPPF requiring that policies should enable high quality design and placemaking. Given the continuing reliance of the Council's housing standard and design policies on widely accepted best practice and national guidance, comments on evidence base are limited to a few areas requiring specific review, including space standards and viability implications as discussed further below and the response to question 15.2.
- 15.2 Adopted Section 1 Policy SP6, Place Shaping Principles, provides the starting point for Section 2 design policies, and requires that all new development must meet the highest standards of urban and architectural design. It includes eleven criteria covering a wide range of design considerations, and Policies DM12, DM13 and DM15 provide detail to support these requirements. In addition to the support for these criteria given through detailed Section 2 development management policies, Policy SP6 encourages the development of design guidance frameworks and codes for strategic developments.
- 15.3 Several respondents to the plan noted that the Council had not published the local evidence base required to support the requirement in DM12(v) for internal space standards to accord with the National Described Space Standards, in line with National Planning Practice Guidance. The Council is now in the process of addressing this evidence requirement and will be adding an analysis of current space standards in the Borough to substantiate the use of the national standards. The analysis will cover a range of units sizes, locations and sections of the population such as students

Does CLP Section 2 make sufficient provision for inclusive design and accessible environments in accordance with paragraphs 57, 58, 61 and 69 of NPPF?

- 15.4 CLP Section 2 policies address the requirements for inclusive design and accessible environments found in paragraphs 57, 58, 61 and 69 of the NPPF. In particular, criteria (vi) of Policy DM12 requires that:
- "A minimum of 10% of market housing and 95% of affordable housing to meet Building Regulations 2015 Part M4 (2) accessible and adaptable standards and 5% of affordable homes to be Part M4 (3)(2)(b) wheelchair user standards."*
- 15.5 The Council's approach reflects that since October 2015, the building regulations have offered the means to specify adaptable and accessible design standards for new homes. All new-build housing or housing development to which Part M of the building regulations applies must be built to Category 1, as the minimum mandatory standard. This obligation only changes when local plan policies set requirements for Category 2 or Category 3 standards (which require accessibility provisions) to be met and specific planning conditions are placed on planning permissions accordingly.
- 15.6 The wording of criteria (vi) on Category 2 and 3 standards reflects National Planning Policy Guidance:
- "Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations and should not 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. They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements."*
- 15.7 Requirements for accessible housing are supported by evidence presented in the Strategic Housing Market Assessment (SHMA) [EBC 2.16](#). As the Council's Housing Topic Paper noted, the SHMA considered demand for accessible and adaptable housing, which in addition to the need by specific groups such as the 17.7% of the resident population with long-term health problems or disability also includes the wider need for all housing to be suitable for the general population as it ages. Housing moves might be required to meet changing family sizes as children leave home but should not be automatically generated by poor design inhibiting adaptation for age and/or disability.
- 15.8 The SHMA establishes the level of demand for accessible housing which was then factored into the viability testing required to confirm policy targets. Viability testing for the Council's housing policies took account of need for a higher level of accessibility and adaptability introduced in 2015 under Part M of the Building

Regulations and of the requirement for all homes to meet Nationally Described Space Standards (NDSS) (Economic Viability Report ([EBC 6.1](#)) The majority of the case studies, with the exception of some flatted schemes, produced a positive residual value over the benchmark land value, demonstrating that policies in the Local Plan are achievable, including the requirements for accessible, adaptable and wheelchair housing. Details of the additional costs assumed to meet the accessibility and adaptability requirements and of dwelling sizes tested to meet NDSS can be found in Appendix I of the Viability Study (EBC 6.1). The results of the viability modelling can be found in chapter 3 and 4 of the same report. Sheltered and extra care schemes were also viable at the policy position. Details of the additional costs for specialist older persons housing can be found in Appendix I and a description of the results at paragraph 4.24 of the Viability Study (EBC 6.1).

Do policies DM12, DM13 and DM15 provide a clear direction as to how a decision maker should react to a development proposal?

15.9 Yes, policies DM12, DM13 and DM15 provide a clear direction as to how a decision maker should react to a development proposal. They follow a consistent format of providing clear objectives concerning high quality design, followed by the criteria proposals will need to demonstrate to show they've met the policy objectives. Their wording largely replicates that of previous adopted plan policies, with limited updating as follows to address new policy requirements:

DM12 – The wording replicates that of Adopted Development Policy DP12: Dwelling Standards, with additional criteria added to reflect the introduction of National Described Space Standards in 2015 and Building Regulations 2015 standards on accessible and adaptable standards, along with the need to address requirements for digital connectivity.

DM13 – The wording of Adopted Development Policies DP 11: Flat Conversions and DP13: Dwelling Alterations, Extensions and Replacement Dwellings has been rationalised and consolidated in one policy, providing for a consistent approach across the Borough that no longer distinguishes between urban and rural areas.

DM15 – The wording incorporates the requirements of Adopted Development Policy DP1: Design and Amenity, but has been revised and updated to include greater emphasis on a visually attractive sense of place; mix of uses; longevity of quality and usage; sustainability elements; and impact of views.

15.10 Objections to policy DM12 were largely limited to comments on the evidence base for space standards and only one objection was received to each of the policies

DM13 and DM15. This lack of objection supports the view that the policies are clear and in line with best current practice on development management policies.

15.11 Policies DM12, DM13 and DM15 are considered sound as submitted. Minor modifications are proposed to address changes in guidance and add clarity as detailed in the Draft Schedule of Recommended Modifications ([CBC 1.6](#)) as follows:

- Add a criteria to DM12 to require sprinklers where appropriate, to reflect a CBC Corporate decision in the wake of the Grenfell Fire;
- Add wording to the explanatory text in DM13 on climate change measures in light of the Council's declaration of a Climate Emergency; along with addition of a presumption in favour of heritage asset retention further to an Historic England representation;
- Add a criteria supporting Active Design principle further to a Sport England representation.

15.12 Minor modifications are proposed to the supporting statement and wording of DM 15 to flag up the importance of the governments 2018 National Design Guide and National Design Code 2021 as recent additional guidance. To Para 15.83 after 'nationally produced guidance...' add '**...the governments 2018 National Design Guide which sets out the characteristics of well-designed places and demonstrates what good design means in practice, and the National Design Code 2021...**' Also change 'Building for Life' to 'Building for a Healthy Life' to reflect the current iteration of this tool.

15.13 The Policy wording is also proposed to be amended to include an additional bullet point that emphasises the importance of green infrastructure, open space and landscape to provide net gain for biodiversity, mitigate against climate change, support healthy living and create beauty to support recent and emerging government policy. Add bullet point **(xi) Provide a network of green infrastructure, open space and landscape as part of the design development to reflect the importance of these networks to biodiversity, climate change mitigation, healthy living and creating beautiful places.'**