

Planning Policy
Cheshire West and Chester Council
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29/01/2018

Dear Sir / Madam,

CHESHIRE WEST AND CHESTER LOCAL PLAN (PART 2): LAND ALLOCATIONS AND DETAILED POLICIES PUBLICATION DRAFT

Thank you for consulting with the Home Builders Federation on the Cheshire West and Chester Local Plan (Part 2) Land Allocations and Detailed Policies Publication Draft.

The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.

DM 4 - Sustainable construction

Policy DM4 is not considered to be sound as it is not justified or consistent with national policy for the following reasons:

This policy requires new dwellings to meet the optional higher national housing standard for water consumption.

All new homes already have to meet the mandatory national standard set out in the Building Regulations (of 125 litres/person/day). PPG (ID: 56-010) states that where there is a clear local need, local planning authorities can set out Local Plan policies requiring new dwellings to meet the tighter Building Regulations optional requirement of 110 litres/person/day.

In order to introduce the policy the local planning authority must establish a clear need based on: existing sources of evidence; consultations with the local water and sewerage company, the Environment Agency and catchment partnerships; and consideration of the impact on viability and housing supply of such a requirement.

The PPG goes on to suggest the types of evidence which might support a tighter water efficiency standard including the identification of areas of serious water stress, or a river basin management plan which highlights the pressure that the water environment faces. The HBF is unaware of any evidence to support the introduction of the optional standards.

HBF propose that the policy is modified as follows:

~~*New dwellings will be required to meet the optional higher National Housing Standard for water consumption of 110 litres per person per day*~~

DM 18 - ICT and telecommunications

Policy DM18 is not considered to be sound as it is not effective or consistent with national policy for the following reasons:

This policy requires developers to make provision for the installation and maintenance of ICT networks within new developments. It goes on to say that new development should be accessed by fibre to the premises or where this is not possible ducting should be provided for connection at a later date.

The HBF generally consider that digital infrastructure is an important part of integrated development within an area. However, the inclusion of digital infrastructure such as high-speed broadband and fibre is not within the direct control of the development industry, and as such it is considered that this policy could create deliverability issues for development and developers. Service providers are the only ones who can confirm access to infrastructure. Whilst, paragraphs 43 to 46 of the NPPF establishes that local planning authorities should seek support the expansion of electronic communications networks it does not seek to prevent development that does not have access to such networks. The house building industry is fully aware of the benefits of having their homes connected to super-fast broadband and what their customers will demand.

The HBF consider that in seeking to provide broadband and fibre to homes the Council should work proactively with telecommunications providers to extend provision and not rely on the development industry to provide for such infrastructure.

HBF propose that the policy is modified as follows:

~~*Developers are required to make provision for the installation and maintenance of information connection networks, such as superfast broadband, within new developments.*~~

~~*New development should be accessed by fibre to the premises (FTTP) or similar technology enabling access to superfast broadband speeds of at least 30 megabits per second (or the most recent Government requirements, if higher). Where this is not possible, adequate ducting should be provided to enable fibre to premises connection at a later date, unless it can be shown that this is not economically viable in this location.*~~

DM 20 - Mix and type of new housing development

Policy DM20 is not considered to be sound as it is not justified, effective or consistent with national policy for the following reasons:

In 2013, the Housing Standards Review (the Review) was launched which sought to simplify and rationalise the raft of housing standards which local authorities applied to development. At the heart of the Review was a desire to reduce developer costs and create attractive conditions to significantly boost housing delivery. The industry was heavily involved in the Review. The Government confirmed that the enhanced standards were intended to be optional and that they would only be needed and viable in certain local circumstances. Otherwise, they would have been made mandatory in Building Regulations across the country.

The Council propose to introduce a policy that requires all new build dwellings to meet the optional higher building regulations for accessible and adaptable dwellings, subject to viability and design considerations. It also seeks for a proportion of dwellings to be wheelchair user dwellings.

The outcome of the Review was the establishment via Building Regulations of mandatory baseline standards which apply nationwide to all developments. The optional Building Regulations standards relating to accessibility can only be imposed through Local Plan policies where they are supported by appropriate evidence. PPG (ID 56-07) 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. It is incumbent on the Council to provide a local assessment evidencing the specific case for Cheshire West and Chester which justifies the inclusion of optional higher standards for accessible and adaptable homes. Whilst the SHMA may provide some of evidence, large elements such as the likely future need, impact on viability and adaptability of the existing stock need to be provided. Evidence of an ageing population does not in itself justify the requirements of this policy, without appropriate evidence the HBF would not support the introduction of this policy.

PPG (ID56-009) is clear that Local Plan 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. Therefore, this policy can only be applied to any affordable housing element, where the local authority may have nomination rights and have the support of the appropriate housing association. It is not clear how this element of the policy will be implemented, for example how will the cost implications of this requirement will be taken into account, or the site suitability. It is also not clear how the 'identified need' will be evidenced, as previously set out in relation to the requirement for accessible and adaptable dwellings the Council does not appear at present to have an appropriate evidence base to make these requirements. Therefore, it is not considered that this policy is effective or consistent with national policy, and should be deleted.

The HBF does not consider that the elements of this policy in relation to the M4(2) and M4(3) homes are required, it is considered that local needs can be met without

the introduction of the optional housing standards. However, if the Council wish to pursue this policy the HBF recommends the Council ensure that an appropriate evidence base is available to support this policy in line with that set out in the PPG and that appropriate viability and feasibility clauses are maintained within the policy.

This policy also looks for major residential development to demonstrate how they will address the need for smaller properties; the requirements for an ageing population and provision of bungalows; and the demand for self-build and custom build.

Whilst the HBF are generally supportive of providing a range of houses to meet the needs of the local area, the HBF believe that the policy should remain flexible in order to ensure scheme viability and the creation of a housing mix appropriate to the location.

It is not evident why the Council has selected these three particular elements of the housing mix for the applicants to address. Indeed the 2013 SHMA states that key drivers in determining the tenure and type of future development include the need to continue development to satisfy household aspirations and expectations, in particular the development of detached and semi-detached houses with two, three and four bedrooms. In addition, it is not considered that every site will be suitable for the delivery of smaller properties, single storey dwellings or self-build homes. Whilst the policy is an improvement on previous iterations, it is still considered that there is potential for it to be implemented too inflexibly. The HBF consider that this part of the policy is not justified and should be removed.

However, if this policy is to be retained it is considered that the policy needs to be clear that each site should be assessed on its own merits, delivering a suitable mix according to local need and site character. The HBF and our members are keen to see housing delivered and not delayed or prevented from coming forward by overly prescriptive requirements or from the non-delivery of these particular elements. If this policy is to be introduced in a similar format to that proposed, the HBF recommend that consideration is given to how it could be implemented with appropriate flexibility for example what mechanisms will be used to ensure housing is delivered if self-build or custom-build housing is not delivered in appropriate timescale.

HBF propose that the policy is modified as follows:

In line with Local Plan (Part One) policy SOC 3 proposals for residential development must take account of the housing needs of the local area to ensure a range of house types, tenures and sizes are provided across the borough.

~~*Subject to viability and design considerations all new build dwellings must meet the optional higher Building Regulations standard for accessible and adaptable dwellings. Where there is an identified need the Council will also seek a proportion of wheelchair user dwellings.*~~

~~*Taking account of the most up to date housing information and where relevant, policies in neighbourhood plans, applications for major residential development should demonstrate how the proposal will address:*~~

- ~~1. need for smaller properties for first time buyers;~~
- ~~2. requirements of an ageing population and people wishing to downsize, including where justified the provision of single-storey dwellings; and~~
- ~~3. demand for self-build and custom-build housing.~~

The Council will work with the developer to agree a suitable housing mix taking full account of the characteristics of the site and viability considerations. Where a neighbourhood plan sets out locally specific policies on housing mix and type these will take priority.

DM 23 - Delivering affordable housing

Policy DM23 is not considered to be sound as it is not justified effective for the following reasons:

Policy DM23 sets out the approach for affordable housing provision if it can not be achieved on site. The HBF are generally supportive of an alternate approach to affordable housing provision being set out and appropriate caveats being provided. However, the HBF have concerns in relation to the preferences as set in the proposed policy. It is considered that the requirement for off-site provision to be located within the same spatial area is particularly onerous and that it is unreasonable to expect to a developer to have this option available to them. As the SHMA identifies need across the Borough, it is not clear what evidence the Council have to support the provision of these dwellings in a defined a spatial area as opposed to addressing the need across the Borough. This policy is not considered justified or effective and should be amended.

HBF propose that the policy is modified as follows:

Proposals for residential development should meet the affordable housing requirements set out in Local Plan (Part One) policy SOC 1. Affordable housing should be provided on site. Where this cannot be achieved and exceptional circumstances can be demonstrated the Council will consider the following:

2nd Preference: off-site provision, ~~located within the same spatial area as the approved development~~, secured through a Section 106 legal agreement;

3rd Preference: financial contributions to be used to deliver affordable dwellings within the same spatial area as the approved development, secured through a Section 106 legal agreement.

The Council will work with the developer and the affordable housing provider to agree ~~must be satisfied that~~ the proposed size and design of any affordable housing, will to meet the specific identified need for ~~that type of~~ affordable housing, ~~in that area~~ taking account of the characteristics of the area and viability considerations.

DM 26 - Specialist accommodation

Policy DM26 is not considered to be sound as it is not justified, effective or consistent with national policy for the following reasons:

Again, this policy requires developments to provide a proportion of dwellings that are built to specified standards in line with policy DM20, where a local need is identified. The policy also requires provision of affordable housing on all elements of a proposal that would create self-contained dwellings.

As set out in our response to Policy DM20, the HBF does not consider that the elements of this policy in relation to the M4(2) and M4(3) homes are required, it is considered that local needs can be met without the introduction of the optional housing standards.

The HBF also has concerns in relation to the requirement for affordable housing for all elements of a proposal that are self-contained dwellings, particularly where the housing provided is to meet other specialist needs or requirements.

HBF propose that the policy is modified as follows:

~~Developments will be required to provide a proportion of dwellings that are built to specified standards in line with Local Plan (Part Two) policy DM 20 where a local need is identified.~~

~~Affordable housing provision will be required in line with Local Plan (Part One) policy SOG 1 for all elements of a proposal that would create self-contained dwellings.~~

Future Engagement

I trust that the Council will find these comments useful as it continues to progress its Local Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.

The HBF would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided below for future correspondence.

Yours sincerely,



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