

Sent by email to: suffolkcoastallocalplan@eastsoffolk.gov.uk

14/09/2018

Dear Sir/ Madam

Response by the House Builders Federation to the consultation on the Issues and Options for the Suffolk Coastal Draft Local Plan.

Thank you for consulting the Home Builders Federation (HBF) on this issues and options consultation. The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year.

Outlined below are some brief comments on the draft local plan. These comments are based on the revised National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) as it is assumed the Council intend to submit the plan for examination after the transitional period set out in the Framework. In particular we highlight the changing guidance in relation to developer contributions and the primary focus for viability assessment to be through the preparation and examination of the local plan. We would therefore welcome the opportunity to discuss the Council's approach to viability assessment prior to submission of the local plan.

Strategy for Growth – SCLP3.2

We welcome the Council decision to establish housing requirement that will deliver beyond the level of needs that would be required using the standard methodology. The NPPF establishes in paragraph 60 that the standard method determines the minimum number of homes and as such recognises that there will be circumstances where Council's will want to set higher requirements in order to support other objectives. However, it will be important that Suffolk Coastal works alongside its neighbouring authorities to ensure that the needs of the whole housing market area are met in full. It is important that statements of common ground are agreed between the relevant authorities and that these establish how and where housing needs will be met.

The distribution of development focuses the majority of development to two new garden neighbourhoods at Felixstowe and Saxmundham. The decision to create these new neighbourhoods is welcomed, however we would suggest that further consideration is given to supporting development in the Borough's market towns which, with the exception of Saxmundham, have relatively few additional homes being delivered during the plan period. Opportunities for further development in these areas should be considered to

ensure that the development strategy benefits provides an improved balance across the Borough. In particular the identification of smaller sites within these settlements could support the Council in meeting the requirement set out in paragraph 68 that 10% of their housing requirement should be on sites no larger than 1ha. It will be important for the Council to provide evidence as to how it can meet this aspiration as such sites provide an important source of land for smaller house builders – a sector the Government want to see expand.

Affordable housing on residential development - SCLP5.10

The Council is still to publish a viability assessment and as such it is not possible to comment on whether the affordable housing requirement set out in this policy is justified. However, it will be essential that the Council's viability assessment takes on board the principles set out in both NPPF and PPG with regard to developer contributions and viability assessments. The Government have now placed significant weight on local plan policies with regard to decision making with less scope for negotiation on a site by site basis.

The assumption set out in paragraph 57 of the NPPF and paragraph 10-002 of PPG is that viability testing of development should be primarily at the plan making stage and as such it will be essential that the policies in local plans are thoroughly tested, realistic and will not rely on site by site negotiation on viability. The NPPF and PPG also establish that the all the costs associated with development are considered at the plan making stage and that these costs are set out within the local plan. In particular paragraph 34 states:

Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.

The Council will therefore need to establish CIL and S106 requirements within the local plan and not look to bring forward additional costs after adoption. This approach ensures that all the costs on development can be considered at the examination of the local plan. We note that in paragraph 3.61 the Council has stated its intention to continue to apply CIL but that it will require a review to take account of new development. It is important that this review takes place as part of the preparation of the local plan to ensure these costs are thoroughly considered as part of the EIP.

Given the approach outlined in NPPF and PPG seeks to limit the scope for negotiation, the viability assessment for the Suffolk Coastal Local Plan must examine the worst case scenario with regard to development costs. One example of this is the approach taken to build costs. Whilst the use of BCIS build costs is the starting point it must be remembered that these are the basis development costs and do not consider any abnormal costs that are likely to affect all sites. Such an approach should be given to all costs and the potential impacts from policies such as those requiring SUDs (SCLP9.6), Open Spaces (SCLP8.2) and the optional technical standards (SCLP5.8 and 9.2) and is essential if the policies in the local plan are to be considered to be effective justified and consistent with paragraphs 34 and 57 of the NPPF.

The Council may also need to consider where further flexibility can be provided in other policy areas to enable developers to maximise viability in order to accommodate affordable housing requirements and other planning contributions. In particular we would suggest that greater flexibility is provided with regard to the mix of housing both in terms of type and tenure.

Housing type and mix – SCLP5.8

It is inappropriate to require a mix of housing on sites as small as five units. The type of development on this site will be dictated by sites specific requirements that effect the design, layout and viability of such a site and to require a specific mix on such sites is unjustified. In seeking a mix of units on such we would suggest that the Council establishes the mix it is seeking to deliver across all development and require sites of over 50 units to have regard to this mix. Such an approach ensures that only those sites where it is reasonable for a mix of units to be provided are required to do so. In addition it ensures that consideration is given to the overall mix that is being delivered and provides flexibility to the Council and developers to meet the changing needs of the community during the plan as well as the type of development that has been delivered.

The Council expects 50% of development to be delivered to part M4(2). This decision is based on the evidence that the Council has an ageing population. Whilst we recognise that some homes will need to be built to this optional standard it will be important that it is properly evidenced. The Council current justification for this policy appears to be largely on the basis that the population of over 65s is expected to increase by 57% between 2014 and 2036. However, many of these people will not require a more accessible home and further evidence that considers, for example, the current stock of accessible homes, how needs vary across different tenures and the overall impact on viability of this policy.

We note that this policy seek to support the delivery of sheltered and extra care housing where there is an identified needs and where this supports a mix of tenures. We would suggest that the Council seeks to identify within the plan what the accommodation needs for older people and outline how they will support their delivery. In particular the Council will need to consider the additional costs of providing retirement and sheltered accommodation within their viability assessment which will reduce the ability of such development to support a mix of tenures.

Parking proposals and standards – SCLP7.2

The Council does not set out in this policy what is required by an applicant with regard to parking. The Council have stated in the final paragraph of this policy that parking requirements will be established in separate document – the Suffolk Guidance for Parking. The approach taken by the Council is therefore unsound as it does not comply with legislation that prevents the Council from setting policy in supplementary planning documents, which cannot be challenged through an Examination in Public. This principal was most recently tackled in *William Davis Ltd & Ors v Charnwood Borough Council* [2017] EWHC 3006 (Admin) (23 November 2017) where supplementary planning document strayed into an area that should be considered by a development plan

document. This decision quashed an SPD that contained policies that clearly encouraged and imposed development management policies against which a development could be refused. Policy can only be established through the Local Plan.

The Local Plan must set out its parking requirements in the local plan to ensure that any changes to parking provision will require a partial review of the local plan. This ensures that any significant changes in policy that could impact on the viability of development are fully considered and examined.

Sustainable Drainage Systems – SCLP9.6

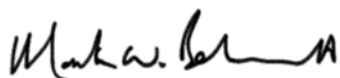
The second paragraph of this policy states that post development run off rates should be restricted to green field run off rates where possible. On many brownfield sites it may be impossible to achieve this level of run off. Guidance by Defra¹ on this matter also suggests that a brownfield development must be as close as practicable to green field run off rates. This recognises that in some situations a development will not be able to deliver green field run off rates but that it should seek an improvement over the current site. Given the Government's focus on delivering more development on brownfield sites we would suggest it is essential that greater flexibility is provided in this policy. We recommend that the policy is amended to read:

“Post-development run off rates should be reduced as far as practicable below existing run off rates for that site.”

This amendment provides a much clearer wording that is more consistent with guidance published by the Government.

We trust this response is helpful and should you wish to discuss any of the issues it raises please do not hesitate to contact me.

Yours faithfully



Mark Behrendt
Planning Manager – Local Plans
Home Builders Federation
Email: mark.behrendt@hbf.co.uk
Tel: 020 7960 1616

1

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/415773/sustainable-drainage-technical-standards.pdf