

Local Plan
St Helens Council
Town Hall
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St Helens
WA10 1HP

SENT BY EMAIL
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13/03/19

Dear Sir / Madam,

ST HELENS LOCAL PLAN SUBMISSION DRAFT

Thank you for consulting with the Home Builders Federation on the St Helens Local Plan 2020-2035 Submission Draft consultation.

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.

The Council will be aware that the HBF have provided comments at previous stages within the production of this Plan. However, a number of concerns remain, therefore, please find below our comments on a selection of policies within the document, that are felt to be of relevance to our members.

Vision and Objectives

The HBF does not consider that the Objectives are sound, as it is not positively prepared for the following reasons:

The HBF support the part of the vision which states that '*Good quality new market and affordable housing will have been provided, broadening the housing stock, meeting local needs, providing safe and sustainable communities, and making the Borough a residential destination of choice*'. The HBF also generally support Objective 4 which looks to enable the delivery of sustainable communities by identifying land for a sufficient number and range of new dwellings. However, as set out in our previous responses 'sufficient' suggests only just meeting needs. It is suggested that the objective be amended to reflect the NPPF requirement for plans to be 'positively prepared' and 'boost significantly' housing supply.

The HBF considers that the policy should be modified as follows:

- 4.1 To enable the delivery of sustainable communities by identifying land to increase the supply ~~for a sufficient number~~ and range of new dwellings.

Policy LPA05: Meeting Housing Needs

The HBF does not consider that Policy LPA05 is sound, as it is not positively prepared, justified, or consistent with national policy for the following reasons:

Part 1: Housing Requirement

This policy states that over the period 2016 to 2035 a minimum of 9,234 net additional dwellings should be provided, at an average of at least 486 dwellings each year. However, this is a decrease from the previous consultation version of the document which sought a housing requirement of 10,830 over the period 2014 to 2033, at an average rate of 570 dwellings each year, which does lead to queries as to why the sudden change in housing requirement.

The 2017 draft SHELMA identified a range of OANs for St Helens from 397 (economic baseline) to 855 (economic growth) dwellings each year, with a demographic based need of 416 dwellings each year. The Economic Growth reflects the jobs growth which could result from development projects and policies which are expected to be implemented over the study period.

The 2019 SHMA Update calculates the OAN using the standard methodology for the period 2018-2028 utilising the 2014-based household projections it identifies a figure of 482 dpa for the period. It is noted this has decreased from the 504 indicative housing need identified by the standard methodology for the period 2016-2026.

The 2019 SHMA Update also considers a number of economic scenarios aligned with planned economic growth in the Borough, as set out in the St Helens ELNA. The ELNA identified a number of growth scenarios two of which – Scenario 2 and Scenario 3 – were considered most likely to come forward and are therefore considered in the SHMA. Economic Scenario 2 results in a need for 514 dpa, whilst Economic Scenario 3 results in a need for 479 dpa (for the period 2016 to 2033).

The HBF consider that given the evidence contained within the draft SHELMA and the St Helens ELNA, and the Liverpool City Region Growth Deal¹ that the Council should consider an uplift in the housing figure above that provided by the Standard Methodology.

It is noted that in February 2019 MHCLG published updates to national planning policy and guidance including the standard method for assessing housing need. The standard method proposes to continue to use the 2014-based data, adjusted to take account of affordability to calculate a minimum annual housing need figure. The Government has continued to reiterate its aspiration to significantly boost the supply of homes and to support a housing market that delivers 300,000 homes. The HBF would therefore recommend the Council to take an approach that continues to

¹ The HBF also notes evidence collated by AMION on behalf of one of our members also identifies higher levels of jobs growth than that set out in the Council's evidence.

ensure flexibility, adaptability and ensure that the Council is appropriately contributing to the Government's aspiration to boost the housing land supply and delivery of homes.

The HBF considers that the policy should be modified as follows in order to make the document sound:

- *Further consideration is given to the housing requirement to ensure it provides an appropriate balance between jobs and homes and supports the Government's aspirations for housing delivery.*

Density

This policy looks for new development to achieve a minimum density of 40 dwellings per hectare (dph) on sites within or adjacent to St Helens or Earlestown town centres and at least 30dph on sites in local centres, sites that are well served by bus or train services and in other urban areas.

The HBF consider that this part of the policy would benefit from an element of flexibility allowing developers to take into account local and site characteristics, market aspirations and viability in determining the appropriate density of the site.

The HBF considers that the policy should be modified as follows in order to make the document sound:

~~*'Densities of less than 30 dph will only be appropriate where they are necessary to achieve a clear planning objective, such as avoiding harm to the character or appearance of the area'*~~ **Densities below those set out above may be considered appropriate where local variations in housing need, local characteristics, site-specific circumstances or scheme viability indicate a different density is required in order to achieve local plan objectives'**

Monitoring and Supply

The HBF support the Council in monitoring the delivery of new homes annually to ensure that there is an adequate supply of new housing in accordance with the Housing Delivery Test and sufficient supply to provide the relevant 5-year supply plus the appropriate buffer.

Allocations and Supply

The HBF does not wish to comment upon the acceptability or otherwise of individual sites. It is, however, important that all the sites contained within the plan are deliverable over the plan period and planned to an appropriate strategy. The HBF would expect the spatial distribution of sites to follow a logical hierarchy, provide an appropriate development pattern and support sustainable development within all market areas.

The Council's assumptions on sites in relation to delivery and capacity should be realistic based on evidence supported by the parties responsible for housing delivery and sense checked by the Council based on local knowledge and historical empirical data.

The HBF are keen that the Council produces a plan which can deliver against its housing requirement. To do this it is important that a strategy is put in place which provides a sufficient range of sites to provide enough sales outlets to enable delivery to be maintained at the required levels throughout the plan period. The HBF and our members can provide valuable advice on matters in relation to housing delivery and would be keen to work proactively with the Council on this issue.

The HBF also strongly recommends that the plan allocates more sites than required to meet the housing requirement; as a buffer. This buffer should be sufficient to deal with any under-delivery which is likely to occur from some sites. Such an approach would be consistent with the NPPF requirements for the plan to be positively prepared and flexible. The HBF recommends an appropriate contingency (circa at least 20%) to the overall housing land supply to provide sufficient flexibility for unforeseen circumstances and in acknowledgement that the housing requirement is a minimum not a maximum figure.

Policy LPA07: Transport and Travel

The HBF does not consider that Policy LPA07 is sound, as it is not justified or effective for the following reasons:

Part 3c of this policy states that new development will only be permitted if it would provide appropriate provision of charging points for electric vehicles. Whilst the HBF do not oppose the provision of electric charging points, the HBF would encourage the Council to work with the appropriate infrastructure providers to ensure a balanced and flexible optimised energy system that has sufficient capacity to meet any standards and requirements set by the Council in this policy and others.

The HBF also have concerns that part 9 states that further details of the operation of this policy including standards for vehicle charging provision will be set out in a Supplementary Planning Document (SPD). It is not considered appropriate to set out in SPD elements of policy, namely the number of charging points that would be 'appropriate provision', that will have a direct role in the determination of a planning application. The HBF consider that these elements should be set out in policy and open for debate at the Examination in Public, without these details it is impossible to consider the impact of these policies on viability or whether they are justified and effective. The HBF would encourage the Council to work with developers to ensure that any provision is realistic and viable, and that the wording allows for appropriate flexibility where circumstances require.

The HBF considers that the policy should be modified as follows in order to make the document sound:

- Further consideration is given to what the Council consider to be 'appropriate provision' supported by evidence.
- That additional standards for electric charging point provision are not included within an SPD that will not be tested at examination.

Policy LPC01: Housing Mix

The HBF does not consider that Policy LPC01 is sound, justified, effective or consistent with national policy for the following reasons:

Part 1 of this policy looks for new market and affordable homes to include a range of types, tenures and sizes of homes as informed by relevant evidence including the SHMA. The HBF understands the need for a mix of house types, sizes and tenures and is generally supportive of providing a range and choice of homes to meet the needs of the local area. It is, however, important that any policy is workable and ensures that housing delivery will not be compromised or stalled due to: overly prescriptive requirements; requiring a mix that does not consider the scale of the site; or the need to provide additional evidence. The HBF recommends a flexible approach is taken regarding housing mix which recognises that needs and demand will vary from area to area and site to site; ensures that the scheme is viable; and provides an appropriate mix for the location. It is noted how frequently the Viability Assessment 2019 highlights the implications of the SHMA housing mix on the viability of development.

Part 2 of this policy states that where a development is for 25 or more new homes on a greenfield site the Council will apply optional standards for accessible and adaptable homes (M4(2) and M4(3)), with at least 20% required to be to M4(2) standard and 5% to be to M4(3) standards.

The HBF is generally supportive of providing homes that are suitable to meet the needs of older people and disabled people. However, if the Council wishes to adopt the higher optional standards for accessible, adaptable and wheelchair homes the Council should only do so by applying the criteria set out in the PPG. 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 St Helens which justifies the inclusion of optional higher standards for accessible and adaptable homes in its Local Plan policy. The SHMA Update January 2019 does provide some limited evidence in relation to the likely future need for housing for older people and disabled people it provides limited information in relation to the size, location, type or quality of dwellings needs and no evidence in relation to the accessibility and adaptability of the existing housing. If the Council can provide the appropriate evidence and this policy is to be included, then the HBF recommend that an appropriate transition period is included within the policy.

The PPG also identifies other requirements for the policy including the need to consider site specific factors such as vulnerability to flooding, site topography and other circumstances; and that policies for wheelchair accessible homes should only be applied to dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling.

Part 3 of this policy requires at least 5% of new homes on greenfield sites of 25 or more homes to be bungalows. The reasoning for this requirement is unclear, whilst the 2016 SHMA identifies that there is typically a demand for bungalows (paragraph 10.29) this assertion is not supported by specific evidence of need. Whilst the 2019 Update to the SHMA actually states that is difficult to quantify a need/demand for bungalows. Furthermore, the policy applies to all greenfield sites without

differentiation in terms of location, the character of the area or reference to the densities set out within Policy LPA05. The provision of bungalows may also impact upon viability. Given these issues, if a need can be demonstrated, it is recommended that the mandatory requirement be amended to a supportive policy stance which encourages rather than requires the provision of bungalows.

Part 4 of the policy provides a viability clause. The HBF supports the inclusion of this element of the policy as it provides flexibility to deal with site specific circumstances. The inclusion of this part of the policy should not, however, be used to justify other unsustainable requirements as noted above.

The HBF considers that the policy should be modified as follows in order to make the document sound:

- *'1. New market and affordable housing must be well designed to address local housing need and include a range of types, tenures and sizes of homes as informed by; relevant evidence including the Borough's latest Strategic Housing Market Assessment (SHMA); **site characteristics; viability; and local aspirations**.'*
- *~~'2. Where a proposal for new housing would be on a greenfield site on which the site as a whole would deliver 25 or more new homes, the Council will apply optional standards as set out in Parts M4(2) and M4(3) of the Building Regulations 2010 (as amended) so that:
a) at least 20% of the new dwellings across the whole site must be designed to the "accessible and adaptable" standard set out in Part M4(2); and
b) at least 5% of the new dwellings across the whole site must be designed to the "wheelchair user" dwellings standard set out in Part M4(3)
If the standards in Part M4(2) or Part M4(3) are amended or superseded by new standards, the Council will apply the relevant amending or superseding provisions in the same proportions as set out above.'~~*
- *The HBF recommends that part 2 of the policy is deleted unless evidence can be provided to support the requirements. If it is to be retained, the HBF would recommend that the following additional text is included
**'In seeking to apply this standard, the Council will 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.
To enable developers to factor in these additional requirements the Council will introduce this policy one year from the adoption of the Local Plan.'***
- *~~'3. At least 5% of new homes on greenfield sites that would deliver 25 or more dwellings should be bungalows.~~ **The Council will support the provision of bungalows and will take this provision into account when considering the density of the site**.'*

Policy LPC02: Affordable Housing

The HBF does not consider that Policy LPC02 is sound, as it is not justified or consistent with national policy for the following reasons:

This policy requires housing developments of 11 or more dwellings to provide at least 30% affordable homes where there are on greenfield sites within affordable housing zones 2 and 3, and 10% affordable homes where they are on brownfield sites in affordable housing zone 3.

The HBF does not dispute the need for affordable housing within St Helens and indeed supports the need to address the affordable housing requirements of the borough. The NPPF is, however, clear that the derivation of affordable housing policies must not only take account of need but also viability. Paragraph 34 of the NPPF (2018) established the importance of viability to ensure that development identified in the Plan should not be subject to such scale of obligations and policy burden that their ability to be delivered might be threatened. The Council will need to confirm that this policy is viable, through its evidence.

It is noted within the Viability Assessment 2019 that there are issues with the viability, for example with greenfield sites within Zone 2 at 30dph the affordable housing requirement is not viable and is only marginally improved at 35dph. It is noted that one site remains unviable at 35dph, with the others having very narrow margins of viability and when consideration is given to not only the 30% affordable housing requirement but also to the cumulative impacts of the policies within the Plan the situation is worse.

The HBF considers that the policy should be modified as follows in order to make the document sound:

- *Further consideration is given to the viability of the affordable housing requirements.*

Policy LPC10: Trees and Woodland

The HBF does not consider that Policy LPC10 is sound as it is not justified for the following reasons:

This policy states that where any tree is justifiably lost its replacement will normally be required on at least a 2 for 1 ratio. The HBF would like to know what the justification and evidence is for this ratio of replacement. It is considered that if the Council are seeking a 'net environmental' gain that this could be achieved in many other ways than seeking a 2:1 tree ratio. The HBF recommends that this part of the policy is deleted.

The HBF considers that the policy should be modified as follows in order to make the document sound:

- *'6. Development proposals must be designed and laid out in a manner that would not damage or destroy any tree subject to a Tree Preservation Order, any other protected tree, any other tree of value including any veteran tree, trees of value as a group, any tree of substantive heritage value or any length of hedgerow, unless it can be justified for good arboricultural reasons or there is a clearly demonstrated public benefit that would outweigh the value of the tree(s) and or hedgerow(s). Where any tree is justifiably lost its replacement will normally be required **on at least a 2 for 1 ratio**, with impacts on woodlands mitigated in line with Policy LPC06. Any tree(s) planted must be replaced in the event of failure or damage during a prescribed period.'*

Policy LPC13: Renewable and Low Carbon Energy Development

The HBF does not consider that Policy LPC13 is sound, as it is not justified or consistent with national policy for the following reasons:

Part 4 of this policy states that proposals for new development within a strategic employment site or a strategic housing site (as defined in Policies LPA04.1 and LPA05.1) must, unless this is shown not to be practicable or viable, ensure that at least 10% of their energy needs can be met from renewable and / or other low carbon energy source(s).

The HBF does not generally object to encouragement for the need to minimise the carbon emissions, or the inclusion of renewable or low carbon energy sources, however, it is important that this is not interpreted as a mandatory requirement. The HBF consider that any mandatory requirements would be contrary to the Government's intentions, as set out in Fixing the Foundations and the Housing Standards Review, which specifically identified energy requirements for new housing development to be a matter solely for Building Regulations with no optional standards. The Deregulation Act 2015 was the legislative tool used to put in place the changes of the Housing Standards Review. This included an amendment to the Planning and Energy Act 2008 to remove the ability of local authorities to require higher than Building Regulations energy efficiency standards for new homes. Transitional arrangements were set out in a Written Ministerial Statement in March 2015. The HBF recommend that the Council ensure that this policy is justified and consistent with national policy. The potential cost of the requirements of this policy needs to be taken into consideration. There are concerns that requirements such as these could lead to the non-delivery of homes in areas where development is intended to be focused. The HBF considers that this requirement should be removed.

Policy LPD07: Digital Communications

The HBF does not consider that Policy LPD07 is sound, as it is not justified, effective or consistent with national policy for the following reasons:

Subject to the requirements of Policy LPA08, contributions may also be sought from developers towards the cost of providing necessary off-site fast broadband infrastructure to serve the area.

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, paragraph 112 of the NPPF (2018) 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 the Council should work proactively with telecommunications providers to extend provision and not rely on the

development industry to provide for such infrastructure. The Council should also note that Part R of the Building Regulations clearly sets the appropriate standards for high speed electronic communication networks. It is not considered appropriate for St Helens to seek additional local technical standards over and above this requirement.

Future Engagement

I trust that the Council will find these comments useful. 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 the progress of the document. Please use the contact details provided below for future correspondence.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Joanne Harding', with a stylized flourish at the end.

Joanne Harding

Local Plans Manager – North

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