

Revised Draft Local Plan consultation
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20/03/2020

Dear Sir / Madam,

SALFORD LOCAL PLAN: DEVELOPMENT MANAGEMENT POLICIES AND DESIGNATIONS PUBLICATION CONSULTATION

Thank you for consulting with the Home Builders Federation on the Salford City Council Publication Local Plan: Development Management Policies and Designations 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 HBF is keen to work with the Council in order to achieve an adopted local plan which enables an increase in the rate of house building across Salford.

Policy CC1 Climate change

Policy CC1 is not considered to be sound as it is not justified or consistent with national policy for the following reasons:

This policy states that 'with new build residential development exceeding the fabric energy efficiency required under Part L of the Building Regulations 2013 by 19%, . . . and meet the standard required by any subsequent revision to Building Regulations, working towards a target that all new development shall be zero net carbon from 2028'.

It is noted that this policy is setting a target ahead of the Government target of net Zero Carbon by 2050. The HBF does not generally object to encouragement for the need to minimise the carbon emissions. The HBF supports moving towards greater energy efficiency via a nationally consistent set of standards and a timetable for

achieving any enhancements which is universally understood and technically implementable. The HBF acknowledges that the Government has not enacted its proposed amendments to the Planning & Energy Act 2008 to prevent the Council from stipulating energy performance standards that exceed the Building Regulations but consider that the Council should comply with the spirit of the Government's intention of setting standards for energy efficiency through the Building Regulations. It is the HBF's opinion that the Council should not be setting different targets or policies outside of Building Regulations. The key to success is standardisation and avoidance of every Council in the country specifying its own approach to energy efficiency, which would undermine economies of scale for both product manufacturers, suppliers and developers.

The Government has consulted (ended on 7th February 2020) on The Future Homes Standard. The UK has set in law a target to bring all its greenhouse gas emission to net zero by 2050. New and existing homes account for 20% of emissions. It is the Government's intention to future proof new homes with low carbon heating and world-leading levels of energy efficiency. This consultation addressed:

- options to uplift standards for Part L (Conservation of Fuel & Power) Building Regulations in 2020 and changes to Part F (Ventilation) Building Regulations. An increase in energy efficiency requirements for new homes in 2020 will be a meaningful and achievable stepping-stone to the Future Homes Standard in 2025. This is expected to be achieved through very high fabric standards and a low carbon heating system based on one of two options. The Government's preferred Option 2 proposes 31% reduction in carbon emissions compared to current standards (Approved Document L 2013) delivered by installation of carbon saving technology and better fabric standards. Both options increase costs for housebuilders (estimated costs between circa £2,557 - £4,847 per dwelling);
- transitional arrangements to encourage quicker implementation; and
- clarifying the role of Local Planning Authorities (LPA) in setting energy efficiency standards. The Government is proposing to remove the ability of LPAs to set higher energy efficiency standards than those in Building Regulations which has led to disparate standards across the country and inefficiencies in supply chains.

The Government wants to create certainty and consistency. The situation is confusing with decisions about technical appropriateness, application and enforcement of energy standards considered by planning officers, committees and Planning Inspectors rather than by qualified Building Inspectors. An uplift to Part L standards in 2020 will improve the energy efficiency of new homes and prepare housebuilders and supply chains in readiness for the further uplift in 2025 to meet the Future Homes Standard so there is no need for LPAs to seek higher standards.

The Council should not be getting ahead of national policy, which is expected to come into effect mid / late 2020. The HBF consider that the Council should modify Policy CC1 to align with Government proposals.

The policy also seeks to incorporate electric vehicle charging points into new developments and to promote greater water efficiency. Within this policy these elements appear to be part of a generally optional list of potential approaches to

addressing the challenges of climate change. No detail is provided within this policy in relation to the levels of provision of electric vehicle charging points or water efficiency. Although it is noted that there are additional policies on these elements provided within Policies A11 and WA3.

Policy PC1 Planning Conditions and Obligations

Policy PC1 is not considered to be sound as it is not positively prepared or effective for the following reasons:

This policy states that development will be permitted with reduced planning obligations compared to policy requirements, it then provides circumstances when this could happen. This includes:

- Where an applicant has submitted a viability appraisal that is based upon and refers back to the viability assessment that has informed this plan and provides evidence of what has changed since then.
- Where the value of the planning obligations has been maximised having regard to likely viability.
- Where a clawback mechanism has been incorporated into a legal agreement, where appropriate, to ensure that additional mitigation is provided if final development viability is better than anticipated in the viability assessment.
- The benefits of the development outweigh the lack of full mitigation for its impacts, having regard to other material considerations.

The policy states also states that the viability appraisal will be published prior to the determination of the planning application, unless there are exceptional circumstances and then a summary will be published.

The HBF consider it can be beneficial to include a policy that acknowledges there may be circumstances where reduced planning obligations are appropriate. However, it is important that the policy does not create unnecessary uncertainty and additional risk for developers. For example, a clawback mechanism could create an impediment to development particularly for the deliverability of sites that may be phased or implemented over a long period of time.

Policy H1 Type of housing

Policy H1 is not considered to be sound as it is not justified or effective for the following reasons:

This policy sets out the mix of new dwelling types required in Salford. It states that within the rest of the city at least 80% of the net increase in dwellings in the form of houses.

The HBF understands the need for a mix of dwelling types 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.

Policy H2 Size of dwellings

Policy H2 is not considered to be sound as it is not justified, effective or consistent with national policy for the following reasons:

This policy states that residential development shall deliver a balanced mix of dwelling sizes across Salford, it goes on to state that all new residential development shall deliver a range of dwelling sizes in terms of the number of bedrooms.

Again, the HBF understands the need for a mix of dwellings sizes and is generally supportive of providing a range and choice of homes. And again, the importance of ensuring that the policy is workable, and homes are delivered would be stressed. The HBF recommends a flexible approach is taken regarding the size of dwellings 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.

This policy also contains a requirement for all dwellings in new build developments to meet as a minimum the nationally described space standards (NDSS). PPG (ID 56-020) identifies the type of evidence required to introduce such a policy. It states that *'where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:*

- **Need** – *evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.*
- **Viability** – *the impact of adopting the space standard should be considered as part of a plan's viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.*
- **Timing** – *there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions'.*

The Council will need robust justifiable evidence to introduce any of the optional housing standards, based on the criteria set out above. The HBF do not consider the need for the use of the NDSS has been adequately demonstrated. The Housing Technical Standards Report (January 2020) has been produced by the Council, however, the evidence provided is limited in terms of the numbers of properties considered and the timeframe over which permissions were considered. It is not evident from the information provided what 'need' there actually is for properties built to the standards there is no evidence that these smaller properties are not selling, there is no evidence provided that customers are not satisfied with these properties or that these properties are not comparable to other properties available in the market area. The HBF consider that if the Government had just expected all properties to be built to NDSS that they would have made these standards mandatory not optional.

The HBF consider that standards can, in some instances, have a negative impact upon viability, increase affordability issues and reduce customer choice. In terms of choice some developers will provide entry level two, three and four-bedroom properties which may not meet the optional nationally described space standards but are required to ensure that those on lower incomes can afford a property which has their required number of bedrooms. The industry knows its customers and what they want, our members would not sell homes below the enhanced standard size if they did not appeal to the market. The HBF would be interested to know if the Council has considered how the policy may impact on the house price of the properties, as dwellings increase in size, and whether they have considered whether this house price is realistic given similar properties on the market or whether the market is able to accommodate any price increases.

The Assessment of Residential Viability (Jan 2020) has not specifically assessed the viability of the NDSS, it has just assumed that all homes will be built to this standard. However, it is notable that there are a number of schemes within the baseline appraisal that are not viable which suggests that NDSS may already be contributing to the potential viability issues of development within Salford. This is further compounded when the policy requirements and planning obligations, not including affordable housing, are also considered (Table 27), where 8 of the 15 schemes assessed are considered to be unviable. Therefore, the HBF have concerns that a number of policy requirements, including the NDSS, may contribute to the non-delivery of homes due to a lack of viability.

The HBF recommend that the element of this policy in relation to space standards should be deleted as it is not considered to be justified or consistent with national policy. However, if it is retained the HBF consider that the Council should include a transitional period in line with the requirements of the PPG and acknowledge that there may be impacts on the viability of development. The HBF recommend a transitional period that reflect the time it takes to bring a site forward from land purchase negotiations to application.

Policy H3 Housing density

Policy H3 is not considered to be sound as it is not justified or effective for the following reasons:

This policy sets out the minimum densities that new development should achieve, it also set out when lower densities may be considered acceptable. The flexibility provided by this policy in relation to certain exceptions is noted, this will allow developers to react to some site-specific issues. However, further amendments could be made to create greater flexibility to allow developers to take account of the evidence in relation to market aspirations and viability.

The Council will also need to consider its approach to density in relation to other policies in the plan. Policies such as open space provision, space standards and parking provision will all impact upon the density which can be delivered upon site.

Policy H4 Affordable Housing

Policy H4 is not considered to be sound as it is not justified, effective or consistent with national policy for the following reasons:

This policy states that all developments that provide 10 or more net additional dwellings, or are on a site of 0.5 hectares or more in size and provide any number of dwellings, shall deliver at least 20% of those dwellings as affordable housing, with higher requirements in premium, high and mid/high residential value area.

Dwelling type	Residential value area	Minimum proportion of affordable housing
Houses	Premium	50%
	High	35%
	All other value areas (Mid/high, mid, low/mid and low)	20%
Mid-density apartments	Premium	40%
	All other value areas (High, mid/high, mid, low/mid and low)	20%
High density apartments	All value areas	20%
For the purposes of this table, mid-density apartment schemes are those comprising fewer than six storeys. High-density apartment schemes are those of more than 6 storeys.		

The policy suggests these affordable homes should be split Social Rent 37.5%; Affordable Rent 37.5% and Shared Ownership 25%. It does state that a different affordable tenure mix may be acceptable where there is clear evidence that this would help to meet local needs and site-specific circumstances.

The justification for the policy states that having regard to the characteristics of households in need and the existing tenure mix, providing 10% of affordable homes as homes for affordable home ownership in line with the NPPF, would significantly prejudice the ability to meet affordable housing needs in the city and is not considered appropriate. Given the viability issues identified, the HBF consider that it may be appropriate for the Council to give this statement further consideration as more viable forms of development may need to be considered.

The HBF does not dispute the need for affordable housing within Salford and indeed supports the need to address the affordable housing requirements of the borough. The 2019 Greater Manchester SHMA identifies a need for 613 affordable homes per annum in Salford. 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 (2019) 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. However, the Assessment of Residential Viability (Jan 2020) appears to show (Table 32) that the 20% affordable housing requirement is not viable for a significant number of development typologies within Salford (two thirds of those assessed). For example, no types of development in the low value areas are viable; no types of development

in the low/mid value areas; no types of development in the mid value areas¹; high density apartments and mid-density apartments in the mid/high value areas; and high density apartments in the both the high value and Premium value areas are not viable.

The HBF recommend that this policy is amended to reflect the Council's viability evidence, this will include removing or reducing the affordable housing requirement in a number of areas or for particular house types. The HBF considers that the Council will need to work closely with affordable housing providers to help to ensure that the affordable housing need is being met.

Policy H6 Housing for Older People

Policy H6 is not considered to be sound as it is not justified, effective or consistent with national policy for the following reasons:

This policy looks for all new dwellings to meet the accessible and adaptable standards (M4(2)), except where it can be clearly demonstrated that this is impracticable due to site-specific constraints.

The HBF is generally supportive of providing homes for older people. However, if the Council wishes to adopt the higher optional standards for accessible & adaptable 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 Salford which justifies the inclusion of optional higher standards for accessible and adaptable homes in its Local Plan policy.

The Housing Technical Standards report (Jan 2020) provides the Council's evidence in relation to housing accessibility standards. Whilst the report does provide some evidence of need it is not clear why this necessitates all homes to be built to M4(2), it also provides limited information on the requirements in terms of size, location and type of dwellings needed. The report itself identifies that there is no data specifically with regards to the accessibility and adaptability of the current housing stock in Salford. Therefore, it is questionable whether the requirements of the PPG have been met.

As has been previously set out, the Assessment of Residential Viability (Jan 2020) highlights the viability issues in Salford, with 8 of 15 schemes considered being identified as unviable without the affordable housing requirement, if this was also included the figure rises to 10 of the 15 schemes. The HBF have concerns that requiring all new dwellings to meet the M4(2) standards will significantly impact on the viability of development, particularly when considered cumulatively with other requirements, and therefore consider that the policy should therefore be deleted.

¹ Mid VA – Houses can only deliver 5% affordable homes.

Policy H9 Self-build and custom housebuilding

Policy H9 is not considered to be sound as it is not positively prepared or effective for the following reasons:

This policy encourages developers of larger sites to make plots available for custom, self-build and community-led housing as part of their development. Many of our members will be able to assist the custom build sector either through the physical building of dwellings on behalf of the homeowner or through the provision of plots for sale to custom builders. The HBF are, therefore, not opposed to the idea of increasing the self-build and custom build sector for its potential contribution to the overall housing supply. However, the HBF have concerns in relation to this policy approach which only changes the house building delivery mechanism from one form of house building company to another without any consequential additional contribution to boosting housing supply. The HBF would encourage the Council to engage with landowners and to work with custom build developers to maximise opportunities.

Policy A10 Electric vehicle charging points

Policy A10 is not considered to be sound as it is not justified, effective or consistent with national policy for the following reasons:

This policy requires provision for electric charging points for dwellings with a garage or driveway with at least one dedicated charge point per dwelling, for residential developments with shared parking areas, provision will be at least one charge point per ten dwellings. In order to ensure that this policy can deliver at the rates proposed and not impede on the delivery of homes, 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 Council will be aware that the Government has consulted on Electric Vehicle Charging in Residential and Non-Residential Buildings². This consultation set out the Government's preferred option to introduce a new functional requirement under Schedule 1 to the Building Regulations 2010, which is expected to come into force in 2020. The inclusion of Electric Vehicle Charging Point (EVCP) requirements within the Building Regulations 2010 will introduce a standardised consistent approach to EVCP in new buildings across the country. The requirements proposed apply to car parking spaces in or adjacent to buildings and the intention is for there to be one charge point per dwelling rather than per parking space. It is proposed that charging points must be at least Mode 3 or equivalent with a minimum power rating output of 7kW (expected increases in battery sizes and technology developments may make charge points less than 7 kW obsolete for future car models, 7 kW is considered a sufficiently future-proofed standard for home charging) fitted with a universal socket to charge all types of electric vehicle currently on the market and meet relevant safety requirements. All charge points installed under the Building Regulations should be un-tethered and the location must comply with the Equality Act 2010 and the accessibility requirements set out in the Building Regulations Part M. The

² <https://www.gov.uk/government/consultations/electric-vehicle-chargepoints-in-residential-and-non-residential-buildings>

Government has estimated installation of such charging points add on an additional cost of approximately £976. The HBF therefore consider that this policy is unnecessary.

Policy EG1 Sustainable energy in new development

Policy EG1 is not considered to be sound as it is not justified, effective or consistent with national policy for the following reasons:

This policy states that all residential development: Exceed the fabric energy efficiency required under Part L of the Building Regulations 2013 by at least 19%, and exceed the standard required by any subsequent revision to Part L. The HBF concerns in relation to this element of the policy have already been set out in relation to Policy CC1.

This policy also goes on to require developments involving ten or more dwellings to connect into the heat network. The HBF do not consider that Salford should be requiring developments to connect to or restricting the use of particular heating methods. The HBF consider that consideration needs to be given to the justification to this policy. If the policy is to be taken forward then consideration needs to be given not just to whether the development is technically viable but also financially viable and subject to viability testing. The HBF also consider that this policy may cause issues for future occupants as it is restricting future consumer choice to that particular provider of heat.

The HBF consider that the cost for enabling or safeguarding the space for such connections is likely to be significant and could have implications for the viability of development. The HBF also have concerns that given the availability of district heating networks that even if buildings are designed to allow for future connections they may never be utilised leading to unnecessary costs to the developer and purchaser.

Policy D7 Housing design

Policy D7 is not considered to be sound as it is not justified, effective or consistent with national policy for the following reasons:

This policy requires residential development to meet the NDSS, the HBF response to this is set out in response to Policy H2.

This policy requires all residential development to be accessible and adaptable in accordance with requirement M4(2) except where it can be clearly demonstrated that this is impracticable due to site specific factors. 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 Salford which justifies the inclusion of optional higher standards for accessible and adaptable homes in its Local Plan policy. 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.

This policy requires all residential developments to exceed the fabric energy efficiency required under Part L of the Building Regulations by at least 19%, the HBF response to this is set out in response to Policy CC1 and EG1.

There appears to be a significant proportion of unnecessary repetition within this policy, and the HBF would query if many elements of this policy are required.

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 'J Harding', with a stylized flourish at the end.

Joanne Harding

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