

Planning Policy
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Dear Planning Policy Team,

NUNEATION AND BEDWORTH LOCAL PLAN REVIEW: PREFERRED OPTIONS

1. Thank you for consulting with the Home Builders Federation (HBF) on the Nuneaton and Bedworth Local Plan Review Preferred Options consultation.
2. 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.

General

3. As a very general point the HBF would recommend that the Council seek to number the paragraphs and sub points within their policies. This would make the policies easier to read and to refer to.

Policy DS1 – Presumption in favour of Sustainable Development

4. This policy states that the Council will take a positive approach that reflects the presumption in favour of sustainable development in the NPPF and UN Sustainable Goals. The HBF supports the presumption in favour of sustainable development, however, the HBF considers that this policy is not necessary as it is repetitious of the policies contained with the NPPF.

Strategic Policy DS3 – Development Principles

5. This policy states that all new development will be sustainable, contributing to the national need to achieve net zero carbon emissions. The HBF is concerned how this policy will be implemented and what will be expected of development in relation to contributing to achieving net zero carbon emissions.
6. It goes on to state that new development will be prioritised to previously developed land (PDL), again the HBF has concerns how this will be delivered and how PDL will be prioritised. It is noted that the NPPF¹ looks for planning policies to promote an effective use of land and make as much use as possible of previously developed land, it does not

¹ Paragraph 119 of NPPF 2021



look for policies to prioritise these sites over other sustainable sites that make effective use of land.

7. The policy also states that development must meet the ten characteristics of the National Design Guide and National Model Design Codes and any future Council design supplementary planning document (SPD). The HBF has concerns in relation to the reference to a SPD, the HBF does not consider it appropriate to require a development to meet any future design SPD, as any requirements within this SPD will not have been tested and examined in the same way as the Local Plan and should not therefore be elevated to having the same weight as the development plan.
8. The next section also suggests that development must meet the principles in the Council's Sustainable Design and Construction SPD. Again, the HBF considers that this is inappropriate.
9. The Policy goes on to state that new dwellings must comply with the Nationally Described Space Standards (NDSS), Building for a Healthy Life and Future Homes and Buildings Standard. The HBF considers that the NDSS should only be required where a need is demonstrated in line with the NPPF² and PPG³ which states that where a need for internal space standards is identified, the authority should provide justification for requiring internal space policies, authorities should take account of the following areas need, viability and timing. The HBF considers that reference to Building for a Healthy Life may be appropriate as a guide for development and to be encouraged in new development however, it is not considered appropriate to require compliance. The HBF does not consider that it is necessary for the Council to require development to comply with the Future Homes and Building Standard, the Future Homes Standard and the Future Buildings Standard will be implemented through Building Regulations from 2025 and there is no need for planning policies to repeat Building Regulation requirements.
10. The next part of the policy states that new development will be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure. Again, the HBF would question how this policy will be interpreted, and how the 'positive impact' will be determined. The HBF would also query whether this is consistent with national policy and the presumption in favour of sustainable development.

Strategic Policy DS4 – Overall Development Needs

11. This policy sets out the levels of housing and employment development to be planned for in Nuneaton and Bedworth between 2024 and 2039. It sets this at 9,690 homes based on 646 dwellings per annum (dpa) and 80.5ha of employment land for industrial and distribution development and 2ha of employment land for office space.
12. The justification text highlights that the Coventry and Warwickshire authorities are currently undertaking a Housing and Economic Development Needs Assessment (HEDNA), which will propose housing need requirements for each of the six local

² Paragraph 130f & Footnote 49 of NPPF 2021

³ PPG ID: 56-020-20150327

planning authorities (LPAs). With this in mind, the HBF considers that it is appropriate to seek to use the Standard Method as a starting point and in using the most up to date information in line with the requirements of the NPPF and PPG to determine the most appropriate housing requirement for their area, including consideration of circumstances where it is appropriate to plan for a higher figure.

Policy DS5 – Residential allocations

13. The HBF is 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.
14. The Plan's policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver the Council's housing requirement. This sufficiency of housing land supply (HLS) should meet the housing requirement, ensure the maintenance of a 5 Year Housing Land Supply (YHLS) and achieve Housing Delivery Test (HDT) performance measurements.
15. The Council's overall HLS should include a short and long-term supply of sites by the identification of both strategic and non-strategic allocations for residential development. Housing delivery is optimised where a wide mix of sites is provided, therefore strategic sites should be complimented by smaller non-strategic sites. The widest possible range of sites by both size and market location are required so that small, medium and large housebuilding companies have access to suitable land to offer the widest possible range of products. A diversified portfolio of housing sites offers the widest possible range of products to households to access different types of dwellings to meet their housing needs. Housing delivery is maximised where a wide mix of sites provides choice for consumers, allows places to grow in sustainable ways, creates opportunities to diversify the construction sector, responds to changing circumstances, treats the housing requirement as a minimum rather than a maximum and provides choice / competition in the land market.

Policy DS8 – Monitoring of housing delivery

16. This policy sets out what actions the Council will take to address any shortfall in housing delivery, this includes working with developers and site promoters. It goes on to state where additional housing sites need to be brought forward, initial priority will be given to sustainable sites, including edge of settlement sites, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The HBF considers that it is appropriate for the Council to consider what actions may be appropriate if housing delivery rates fall.

Policy DS9 – Review

17. This policy states that the Plan will be reviewed in accordance with Government guidance and sets out the circumstances when a quicker review may be required. The HBF considers that it can be useful to clearly set out when a quicker review may be required, and that the circumstances set out seem generally appropriate.

Policy SA1 – Development principles on Strategic Sites

18. This policy states that proposals on all strategic sites will meet a number of requirements. The first of these requirements is that residential development must meet 100% M4(2) and 5% M4(3) standards and must meet the requirements set out with the relevant SPDs. If the Council wishes to adopt the optional standards for accessible and adaptable dwellings, then this should only be done in accordance with the NPPF⁴ and the latest PPG. Footnote 49 states that planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing where this would address an identified need for such properties. As set out in the NPPF⁵, all policies should be underpinned by relevant and up to date evidence which should be adequate, proportionate and focus focussed tightly on supporting and justifying the policies concerned. A policy requirement for M4(2) and M4(3) dwellings must be justified by credible and robust evidence. The PPG⁶ sets out the evidence necessary to justify a policy requirement for optional standards including the likely future need for housing for older and disabled people; size, location, type and quality of dwellings to meet specifically evidenced needs; the accessibility and adaptability of existing housing stock; how needs vary across different housing tenures; and the overall impact on viability. The Council should also ensure that the policy takes into account other elements set out in the PPG⁷ including site specific factors.
19. The policy also refers to NDSS and the Future Homes and Building Standard, the HBF is concerned that these references are not appropriate, as highlighted previously.
20. Point 15 looks for proposals to comply with the requirements of the relevant Concept Plan SPD and Design Code. As the HBF has set out previously, the HBF does not consider this requirement is appropriate as these documents are not being tested and examined as part of the Local Plan, the HBF considers it would be more appropriate to make reference to the SPD and Design Codes as guidance rather than a requirement.
21. Finally, the policy highlights that where any of the requirements of this policy are deemed unviable an independent viability assessment must be submitted with the planning application. The HBF considers that recognition that these requirements may not always be viable is appropriate and considers that the submission of a viability assessment is an appropriate way to address this issue.

Policy H1 – Range and Mix of Housing

22. Under the heading General Market Housing this policy states that development is required to provide an appropriate mix of housing types, sizes and tenures based on the need and demand in the most up to date HEDNA Assessment or equivalent. It also states that market houses must be 100% M4(2) and 5% M4(3).
23. The HBF understands the need for a mix of house types and sizes and is generally supportive of providing a range and choice of homes to meet the needs of the local area

⁴ Paragraph 130f & Footnote 49 of NPPF 2021

⁵ Paragraph 31 of NPPF 2021

⁶ PPG ID: 56-007-20150327

⁷ PPG ID: 56-008-20160519 & ID: 56-009-20150327 & ID: 56-009-20150327

including ensuring there is appropriate provision of family homes. 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. However, it is not clear from this policy how all new residential developments will be able to address the mix of housing particularly where this is a small site for example, and it may be more appropriate for the policy to look for development to 'contribute to' the mix of housing.

24. The HBF is also concerned that the HEDNA only provides a snapshot in time, which may no longer be appropriate. The HBF recommends that the policy is amended to include a reference to other sources of evidence, this could include evidence provided by an applicant or by the Council e.g. the Council Housing Waiting List.
25. The HBF also queries the inclusion of tenure as part of the mix, firstly as this policy appears to relate to market housing and secondly as Policy H2 provides a policy in relation to the provision of affordable housing and alternative tenures.
26. The HBF also notes that the repetition of the word 'assessment' in HEDNA Assessment and suggest it is deleted.
27. As set out previously, if the Council wishes to adopt the optional standards for accessible and adaptable dwellings, then this should only be done in accordance with the NPPF⁸ and the latest PPG.
28. Under the heading Homes for Older People the Council states that these types of buildings will need to comply with M4(3) standards as a minimum, and with the emerging WCC Technical guidance for Specialised Supported Housing and Housing with Care Developments. The HBF is concerned by this requirement, particularly as M4(3) and the WCC Guidance may not be suitable or required for all homes for older people, and in relation to the viability of these developments if these elements are required. The HBF would also reiterate that the Council needs to ensure that they have the appropriate evidence to support the need for the M4(3) standard and need to ensure they include the appropriate caveats in relation to site specific constraints, viability and step free access. The HBF is also concerned as to the status of the WCC Guidance, and would suggest unless the requirements are to be tested to the same standards as the Local Plan that it would not be appropriate to require it to be complied with.
29. Under the heading Other Specialised Housing, the Council again looks for these buildings to comply with M4(3) standards as a minimum and with the emerging WCC Technical Guidance. The HBF considers that the points raised above in relation to homes for older people will also apply to these other forms of specialised housing.

Policy H2 – Affordable Housing

30. This policy requires at least 25% affordable housing to be delivered where residential development proposals consist of 15 dwellings or more, and for two units where residential development proposals consist of between 11 to 14 dwellings, irrespective of

⁸ Paragraph 130f & Footnote 49 of NPPF 2021

any demolitions. It goes on to state the 25% of the total affordable housing requirement should be First Homes and that 10% of the total number of homes should be for affordable home ownership, which should include the contribution from First Homes with the remainder delivered as shared ownership. The remainder of the affordable housing requirement should be delivered as social or affordable rent. For schemes of 11 to 14 dwellings it states that one First Home and one social rent or affordable rent dwellings should be provided.

31. The HBF considers that the requirement for at least 25% of affordable homes to be First Homes and for 10% of homes to be for affordable home ownership is appropriate and in line with the requirements of the NPPF⁹ and PPG¹⁰.
32. This policy requires all affordable housing to be M4(2) and for 5% to be M4(3), as set out previously, the HBF considers that the Council will need to ensure it has the evidence in line with the PPG in order to introduce this policy, and will be need to ensure that all of the considerations set out in the PPG are included within the policy.
33. The HBF considers that it is important that the Council seeks to address their affordable housing need. However, the Council will need to ensure they have an appropriate and viable balance between the delivery of homes and the delivery of affordable homes.

Policy BE3 – Sustainable Design and Construction

34. This policy states that development proposals must be designed to meet the requirements set in any relevant Concept Plan SPD and designed to the principles in the Sustainable Design and Construction SPD. As with other requirements in relation to SPDs the HBF has concerns in relation to the text use which suggest they must be adhered to, rather than being a consideration in the determination of an application. The HBF recommends as these requirements will not be tested to the same level as the Local Plan, that the Council only refers to them as guidance or as a consideration.
35. The policy also requires development to evidence that they will maximise water and energy and efficiency, and meet the higher standard for building regulations in regard to both water and for energy use. As set out in the NPPF¹¹, all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. Therefore, a policy requirement for the optional water efficiency standard or higher standards for energy use must be justified by credible and robust evidence.
36. The Building Regulations require all new dwellings to achieve a mandatory level of water efficiency of 125 litres per day per person, which is a higher standard than that achieved by much of the existing housing stock. This mandatory standard represents an effective demand management measure. The Optional Technical Housing Standard is 110 litres per day per person, if the Council wishes to adopt the optional standard for water efficiency, then the Council should justify doing so by applying the criteria set out in the

⁹ Paragraph 65 of NPPF 2021

¹⁰ PPG ID: 70-012-20210524 & ID: 70-013-20210524

¹¹ Paragraph 31

PPG. PPG¹² states that where there is a 'clear local need, Local Planning Authorities (LPA) can set out Local Plan Policies requiring new dwellings to meet tighter Building Regulations optional requirement of 110 litres per person per day'. PPG¹³ also states the 'it will be for a LPA to 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'.

37. The section of the policy in relation to residential development states that major development proposals must provide a statement showing how their proposal will meet the 100% requirement for M4(2) and the 5% requirement for M4(3) standards, the HBF concerns in relation to this requirement have been set out previously.
38. The section of the policy under the sub-heading Supplementary Planning Documents again sets out the need to be in accordance with Concept Plan SPDs as well as any relevant Design Code SPDs. The HBF would suggest that this repetition of the early part of the policy is not necessary and again would highlight their concerns in relation to the weight being given to SPDs, when they are not being tested at the examination.

Future Engagement

39. 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.
40. 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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¹² ID: 56-014-20150327

¹³ ID: 56-015-20150327