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Dear Planning Policy Team,

SOUTH STAFFORDSHIRE LOCAL PLAN: PUBLICATION PLAN (REG 19)

1. Thank you for consulting with the Home Builders Federation (HBF) on the South Staffordshire Local Plan Publication Plan (Regulation 19) 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.
3. The Council will be aware that the HBF has provided comments throughout the progression of this document and we would like to submit the following comments upon selected policies within this Publication Draft consultation document.

Policy DS4: Development Needs

Policy DS4 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy for the following reasons:

4. This policy states that the Council will promote the delivery of a minimum of 9,089 homes over the period 2018-2039, providing approximately 13% additional homes to ensure plan flexibility. It goes on to state that the housing target includes a 4,000 home contribution towards unmet housing need.
5. The Council have set out the elements that make up this housing requirement in Table 7 of the Plan, it states that South Staffordshire's own housing need using the Government's standard method (2022-2039) is 4,097 dwellings, that there have been 992 dwellings completed between 2018-2022, and that they are contributing 4,000 dwellings to contribute towards the unmet needs of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA).
6. The Housing Market Assessment Update (2022) identifies a local housing need using the standard method of 241 dwellings per annum (dpa).



7. The HBF generally supports the Council in utilising a housing figure over the LHN, as the standard method identifies a minimum annual housing need figure and represents the starting point for determining the number of new homes in the area. There may be circumstances, as set out in the PPG¹, when it is appropriate to plan for a higher housing need figure than the standard method identifies. These circumstances include where there are growth strategies, strategic infrastructure improvements, an unmet need from neighbouring authorities or where previous levels of housing delivery in the area or previous assessments of need are significantly greater than the outcome of the standard method. The HBF considers that the circumstances should be fully explored by the Council.
8. The HBF and its Members disagreed with the shortfall figure set out in GB&BCHMA, which is considered to under-estimate housing need, over-estimate Housing Land Supply (HLS) and fails to look beyond 2031. Two recently published Reports “Mind The Gap” by Barton Willmore dated March 2021 and “Falling Short – Taking Stock of Unmet Needs Across GB&BCHMA” by Turley dated August 2021 commissioned by HBF Members critique Position Statement No. 3 and conclude that significant unmet housing needs in the GB&BCHMA exist now and in the future. Therefore, it is appropriate for South Staffordshire to contribute to meeting unmet housing needs from GB&BCHMA. The Council proposes to make an additional contribution of 4,000 dwellings towards meeting unmet housing needs in the GB&BCHMA based on the scale of growth identified as strategic locations in the District in the GB&BCHMA Strategic Growth Study. However, the Council has not confirmed that if unmet housing needs in the GB&BCHMA increase then its contribution will also proportionately increase. Furthermore, the Council’s commitment to meeting unmet housing needs should be set out in a Joint Statement of Common Ground with the other GB&BCHMA authorities.
9. The HBF considers it is important that the proposed housing requirement is viewed as a minimum and barriers are not put in place which may hinder greater levels of sustainable growth. It is considered that the plan could facilitate higher levels of growth by providing greater flexibility.

Policy DS6: Longer Term Growth Aspirations for a New Settlement

10. This policy states that it is a key longer-term aspiration of the Council to explore potential options within the district for a sustainable independent new settlement. It is not anticipated that a new settlement will contribute to housing growth during the current plan period. The policy sets out some objectives in relation to the new settlement, these include being beautifully designed, providing mixed communities, sustainable size and locations, transport, green infrastructure and health, future proofed and infrastructure led.
11. The HBF agree that a new settlement will require significant forward planning. As set out in the NPPF², where a new settlement forms part of the Spatial Strategy, policies should be set within a vision that looks further ahead (at least 30 years) to account for the likely timescale for delivery.

¹ ID: 2a-010-20201216

² NPPF 2021 paragraph 22

Policy DS5: The Spatial Strategy to 2039

12. This policy looks for growth to be located at the most accessible and sustainable locations in accordance with the settlement hierarchy. It goes on to set out the settlements in 5 tiers and then the districts wider rural area, it also identifies growth adjacent to the neighbouring towns and cities in the Black Country and adjacent to the town of Stafford.
13. 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.

Policy SA5: Housing Allocations

14. The HBF have no comments on the proposed housing allocations in Policy SA5 and these representations are submitted without prejudice to any comments made by other parties. 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. The HBF and our members can provide valuable advice on issues of housing delivery and would be keen to work proactively with the Council on this issue.
15. The Plan's policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver South Staffordshire'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. 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 and to provide flexibility and choice within the market. Such an approach would be consistent with the NPPF requirements for the plan to be positively prepared and flexible.
16. 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.

17. The Council should identify at least 10% of its housing requirement on sites no larger than one hectare or else demonstrate strong reasons for not achieving this target in line with the NPPF requirements.

Policy HC1: Housing Mix

Policy HC1 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

18. This policy suggests that the Council will support development that creates mixed, sustainable and inclusive communities and contributes to the objectives of the adopted Housing and Homelessness Strategy. It goes on to state that all new housing developments should provide a mixture of property sizes, types and tenures and that proposals must contribute to better balancing the districts housing market particularly by increasing the supply of 2- and 3-bedroom homes in all areas.
19. On major development sites it states that market housing must include a minimum of 70% of properties with 3 bedrooms or less, with the specific mix to be determined on a site-by-site basis but reflective of the Council's latest Housing Market Assessment.
20. 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 and considers that all households should have access to different types of dwellings to meet their housing needs. 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 and market. The HBF also considers that it would be appropriate for the Council to refer to other evidence not just the latest Housing Market Assessment and supports the inclusion of consideration of elements such as the current demand.

Policy HC2: Housing Density

Policy HC2 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

21. This policy looks for housing developments to achieve a minimum net density of 35 dwellings per net developable hectare within or adjoining Tier 1 settlements, in infill locations with the development boundaries of other settlements or in urban extensions to neighbouring towns and cities. It states that the net density may go below the minimum density standard set above if to do otherwise would result in significant adverse impacts to the surrounding area's historic environment, settlement pattern or landscape character.
22. The setting of residential density standards should be undertaken in accordance with the NPPF³ where policies should be set to optimise the use of land. The HBF considers that setting a single housing density target across the district is likely to be inappropriate, and

³ Paragraph 125

that a nuanced range of residential densities specific to different areas of the district will be necessary to ensure that any proposed density is appropriate to the character of the surrounding area. The limited flexibility provided by this policy in relation to certain considerations is also noted. The HBF recommends amendments should be made to create greater flexibility to allow developers to take account of the evidence in relation to market aspirations, deliverability and viability and accessibility.

23. 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, biodiversity net gain, cycle and bin storage, housing mix, residential space standards, accessible and adaptable dwellings, energy efficiency and parking provision will all impact upon the density which can be delivered upon a site.

Policy HC3: Affordable Housing

Policy HC3 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

24. This policy requires all major housing developments to provide 30% affordable housing. It also sets the tenure split as 25% First Homes, 50% social rent and 25% Shared Ownership. The policy goes on to state that consideration will not be given to reducing the affordable housing contribution on the grounds of viability unless the applicant can first demonstrate to the satisfaction of the Council that particular circumstances justify a viability assessment at application stage.
25. The Housing Market Assessment Update (2022) identifies a net affordable housing need of between 67 dpa and 156 dpa, dependent on the proportion of household income used spent on housing costs. The Viability Study (2022) clearly highlights the challenges in delivering the 30% affordable housing requirement, and highlights that without higher sales values the sites are not necessarily viable.
26. The HBF supports the need to address the affordable housing requirements of the borough. The NPPF⁴ is, however, clear that the derivation of affordable housing policies must not only take account of need but also viability and deliverability. The Council should be mindful that it is unrealistic to negotiate every site on a one-by-one basis because the base-line aspiration of a policy or combination of policies is set too high as this will jeopardise future housing delivery. The HBF continues to recommend that the Council should be considering a differentiated policy approach to the provision of affordable housing in line with the evidence provided in their Viability Study.
27. The PPG⁵ states that a minimum of 25% of all affordable housing units secured through developer contributions should be First Homes. The policy appears to be consistent with this requirement. The NPPF⁶ states that planning policies should expect at least 10% of the total number of homes to be available for affordable home ownership, again the policy appears consistent with this requirement. Although it may be beneficial for the

⁴ Paragraph 34

⁵ PPG ID: 70-012-20210524

⁶ NPPF 2021 Paragraph 65

Council to refer to other affordable home ownership products not just Shared Ownership in line with definition of affordable housing in the NPPF.

Policy HC4: Homes for Older People and others with special housing requirements

Policy HC4 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

28. This policy requires all major housing developments to demonstrate how the proposal clearly contributes to meeting the needs of older and disabled people. It states that it will expect bungalows, other age restricted single storey accommodation, sheltered / retirement living, and extra care / housing with care and other supported living to be provided as part of the wider mix on site. It also states that all major development will be required to ensure 100% of both the market and affordable housing meets M4(2), it suggests that additional weight will be given to the provision of properties also accessible for wheelchair users.
29. 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.
30. PPG⁷ 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 South Staffordshire 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 recommends that an appropriate transition period is included within the policy.
31. 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, this is not just in relation to the ability to provide step-free access.
32. The Council should also note that the Government response to the Raising accessibility standards for new homes⁸ states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. M4(3) would continue to apply as now where there is a local planning policy in place and where a need has been identified and evidenced.

⁷ ID: 56-007-20150327

⁸ <https://www.gov.uk/government/consultations/raising-accessibility-standards-for-new-homes/outcome/raising-accessibility-standards-for-new-homes-summary-of-consultation-responses-and-government-response#government-response>

Policy HC8: Self-build and Custom Housebuilding

Policy HC8 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

33. This policy requires major development to have regard to the need on the Council's Self-build Register and make provision of self and custom build plots to reflect this.
34. The HBF considers that a policy which encourages self and custom-build development and sets out where it will be supported in principle would be appropriate. The HBF also considers that the Council can play a key role in facilitating the provision of land as set in the PPG⁹. This could be done for example by allocating sites specifically for self and custom-build home builders could also be appropriate; however, this would need to be done through discussion and negotiation with landowners. The HBF does not consider that requiring major developments to provide for self-builders is appropriate, and the HBF considers that this element of the policy should be deleted.

Policy HC10: Design Requirements

Policy HC10 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

35. This policy looks for development to reflect any relevant requirements in the latest South Staffordshire Design Guide SPD, relevant national and local design codes. It also looks for development to deliver socially inclusive, tenure-neutral housing for market and affordable properties in accordance with Policy HC3 and the Affordable Housing SPD.
36. This policy wording should not be interpreted by the Council's Development Management Officers as conveying the weight of a Development Plan Document onto these documents, which has not been subject to examination and does not form part of the Local plan. The Town and Country Planning (Local Planning) (England) Regulations 2012 are clear that development management policies, which are intended to guide the determination of applications for planning permission should be set out in policy in the Local Plan. To ensure a policy is effective, it should be clearly written and unambiguous so it is evident how a decision maker should react to development proposals. The Council's requirements should be set out in sufficient detail to determine a planning application without relying on, other criteria or guidelines set out in separate guidance.

Policy HC12: Space about dwellings and internal space

Policy HC12 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

37. This policy requires all new residential developments to meet or exceed the Government's Technical Housing Standards Nationally Described Space Standard (NDSS) or subsequent editions.

⁹ PPG ID: 57-025-20210508

38. If the Council wishes to apply the optional NDSS to all dwellings, then this should only be done in accordance with the NPPF¹⁰, which states that “*policies may also make use of the NDSS where the need for an internal space standard can be justified*”. 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.
39. PPG¹² 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’.
40. The Council will need robust justifiable evidence to introduce the NDSS, based on the criteria set out above. The HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.
41. The HBF would remind the Council that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The Council’s policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice. Well-designed dwellings below NDSS can provide a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing. An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.

¹⁰ NPPF 2021 paragraph 130f & Footnote 49

¹¹ NPPF 2021 paragraph 31

¹² ID: 56-020-20150327

Policy HC13: Parking Provision

Policy HC13 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

42. This policy states that the Council will have regard to the requirements for electric vehicle charging facilities as set out in Appendix 1. Appendix 1 states that for houses 1 fast charge socket per house located on a parking space within the property's curtilage, for flats and apartments 1 fast charge socket per dwellings using both allocated and unallocated spaces where necessary.
43. The HBF is supportive of encouragement for the use of electric and hybrid vehicles via a national standardised approach implemented through the Building Regulations to ensure a consistent approach to future proofing the housing stock. Part S of the Building Regulations 'Infrastructure for the charging of electric vehicles' has now been published and took effect from 15th June 2022. This regulations document provides guidance on the installation and location of electric vehicle charge points (EVCPs). It states that a new residential building with associated parking must have access to EVCPs. It states that the total number of EVCPs must be equal to the number of parking spaces if there are fewer parking spaces than dwellings, or the equal to the number of dwellings where there are more parking spaces. The Regulations also set technical requirements for the charging points these include having a nominal output of 7kW and being fitted with a universal socket.

Policy NB6: Sustainable Construction

Policy NB6 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

44. This policy states that new development of one or more new dwellings must achieve net zero regulated carbon emissions. It also states that development must demonstrate through an energy statement a minimum 63% reduction in carbon emissions, each dwelling must demonstrate at least 10% improvement on the Part L 2021 Target for Fabric Energy Efficiency. It goes on to state once minimum improvements in fabric efficiency and carbon reduction in are delivered, additional on-site renewable energy generation must be provided or connections made to on or near site renewable / low carbon community energy any such measure must be sufficient to achieve at least zero regulated carbon across the scheme. Any remaining residual regulated carbon emissions must be offset.
45. The Council's proposed policy approach is unnecessary and repetitious of 2021 Part L Interim Uplift and the Future Homes Standard. It is the Government's intention to set standards for energy efficiency through the Building Regulations. The key to success is standardisation and avoidance of individual Council's specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. The Council does not need to set local energy efficiency standards to achieve the shared net zero goal because of the higher levels of energy efficiency standards for new homes set out in the 2021 Part L Interim Uplift and proposals for the 2025 Future Homes Standard.

46. It is noted that Inspectors examining the Salt Cross DPD in West Oxfordshire have raised concerns over a requirement for development to demonstrate net zero operational carbon on-site through ultra-low energy fabric specification, low carbon technologies and on-site renewable energy generation. The Inspectors have proposed instead that development will be required to demonstrate an ambitious approach to the use of renewable energy, sustainable design and construction methods, with a high level of energy efficiency in new buildings. Whilst the justification for this amendment is awaited, the difference between national and local requirements has clearly been held to be unsound.
47. The policy also states that all residential schemes must also show compliance with a water efficiency standard of 110 litres/person/day. 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.
48. As set out in the NPPF¹³, 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 must be justified by credible and robust evidence. If the Council wishes to adopt the optional standard for water efficiency of 110 litres per person per day, then the Council should justify doing so by applying the criteria set out in the PPG. PPG¹⁴ 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'*. PPG¹⁵ 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'*. The Housing Standards Review was explicit that reduced water consumption was solely applicable to water stressed areas.
49. The policy also states that all major development must demonstrate how the embodied carbon of the proposed materials to be used in the development has been considered and reduced where possible. With proposals of 50 dwellings or more required to be accompanied by a nationally recognised Whole Life Carbon Assessment and demonstrate actions to reduce life-cycle carbon emissions. It goes on to state that for all major residential developments applicants must also implement a recognised quality regime that ensure the 'as built' performance matches the calculated design performance, and that a monitoring regime is put in place to allow the assessment of energy use for 10% of the proposed dwellings for the first five years of their occupancy, and ensure that the information is provided to the applicable occupiers and the planning authority.

¹³ Paragraph 31

¹⁴ ID: 56-014-20150327

¹⁵ ID: 56-015-20150327

50. The HBF considers that this policy does not serve a clear purpose and it is not evident how a decision maker should react to development proposals. Whilst it is requiring the calculation of the whole life cycle carbon emissions and actions to reduce life cycle carbon emissions it is not clear from the policy how it will be determined what is an appropriate level of emissions or what would be an appropriate level of reductions. The HBF also has significant concerns in relation to this policy particularly in relation to the elements in relation to performance and monitoring. It is not clear what the Council would do with the information in relation to performance information or the monitoring information once the development is completed and is a home. The HBF also considers that it is unlikely that any household would wish to share their personal energy usage information with the developer of the site or the Council, how they choose to live in their home once purchased is surely down to the individual household. The HBF recommends that the policy is deleted.

Future Engagement

51. 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.

52. 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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