

Pendle Borough Council
Planning, Economic Development & Regulatory Services
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SENT BY EMAIL
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16/08/2023

Dear Planning Policy Team,

PENDLE LOCAL PLAN (4TH EDITION): PREFERRED OPTIONS

1. Thank you for consulting with the Home Builders Federation (HBF) on Pendle Local Plan Preferred Options.
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 HBF is keen to ensure that Pendle prepares a sound Local Plan that can be taken through to adoption and offers the following comments on certain aspects of the Plan, which could help to create the most appropriate Plan.

Plan Period

4. The Council propose a plan period of 1st April 2022 to 31st March 2040. The HBF considers that any update should ensure that the Plan covers a period of 15 years from the adoption of the Plan.

SP02: Spatial Strategy

5. This policy sets out the settlement hierarchy and the role of individual settlements. It also states that within a settlement boundary there is a presumption in favour of sustainable development.
6. The HBF considers that it is appropriate for the Council to provide an appropriate settlement hierarchy which provides a logical hierarchy and allows for a suitable and sustainable spatial distribution of sites, provides an appropriate development pattern and supports sustainable development within all areas.

SP03: Distribution of Development

7. This policy states that approximately 70% of delivery will be in the M65 Corridor Urban Area, 20% will be in the West Craven Sub-Area and 10% will be in the M65 Corridor Rural Area.



8. The HBF considers that it will be important for the Council to ensure that the distribution of development provides an appropriate supply of sites and that it provides an appropriate range and choice of sites across all market areas.

SP06: Towards net zero carbon

9. This policy states that major development proposals should conduct a detailed review of the carbon impact of the various development options. It also states that all developments should be designed to reduce the extent and impacts of climate change.
10. The HBF is concerned that it is not clear what this policy requires. It is not clear what evidence an applicant would be expected to provide to demonstrate that they have conducted a detailed review of the carbon impact of various development options before applying for permission. The HBF considers that if the Council is to introduce a policy in relation to carbon impact it will have to closely consider how it will be monitored and what the implications are for the preparation of any assessment, and how it can ensure this is not overly onerous and is appropriately proportionate to the development proposed.
11. Part 3 of the policy looks for small-scale renewable and low carbon energy generation to be incorporated into the design of new development where appropriate. The HBF does not consider that it is a reasonable requirement to for development to incorporate small-scale renewables or low carbon energy generation. The HBF recognises that there may be potential for energy to come from renewable or low carbon sources, however, it may be more sustainable and efficient to use larger scale sources rather than small-scale, it is also noted this policy also takes no account of the fact that over time energy supply from the national grid will be decarbonised.
12. Part 5 of the policy states that developers should seek to meet independently accredited energy and sustainability standards, such as Passive House Standard and the BRE Home Quality Mark. The Policy goes on to state that residential developments incorporating 10 dwellings or more will be required to submit an energy statement.
13. The HBF does not consider that it is necessary for Pendle to look for developers to meet independently accredited energy and sustainability standards. The HBF does not consider that the Council have provided any evidence or justification for why residential development should need to meet the Passive House Standard or the BRE Home Quality Mark or why developments should need to be assessed using the Home Quality Mark. The HBF recommends that this policy is deleted.

DM01: Climate Change Resilience

14. This policy states that proposals should minimise the use of natural resources, increase self-sufficiency and lower carbon emissions. It suggests responses include but are not limited to: promoting energy efficiency; using low carbon materials, taking opportunities to provide on-site renewables, adopting water efficiency techniques which limit water use to no more than 110 litres per person per day, providing a water butt, providing EV Charging Points, providing cycle storage, providing street trees and encouraging food production. Firstly, the HBF is concerned that it is not clear how this policy would be

used in decision-making, and whether a decision maker would expect all or some of these elements to be met, and what would happen if they were not. Secondly, the HBF considers that a number of elements of this policy are not necessary and should be deleted.

15. The HBF does not consider that it is necessary for the policy to require the use of the option water standard of 110 litres per person per 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.
16. 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. PPG¹ 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'*. PPG² 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. The North West and Pendle are not considered to be an area of Water Stress as identified by the Environment Agency³. Therefore, the HBF considers that requirement for optional water efficiency standard is not justified nor consistent with national policy in relation to need or viability and should be deleted.
17. The HBF considers that the suggestion for new homes to be equipped with a water butt is unnecessary and not justified or evidenced.
18. The HBF considers that the provision of electric vehicle charging capability is unnecessary as Part S of the Building Regulations now provides the requirements for Electric Vehicle charging, including where exceptions may apply.
19. The HBF considers that the provision of street trees has potential to have an impact on the street layouts and land uptake for any development and may have significant implications for the density of developments, this in itself has potential to have a significant impact on the viability of developments. The provision of street trees may also have implications in relation to highway provision and highway maintenance and again may need to be given further consideration by the Council and the developers of these sites.

¹ PPG ID: 56-014-20150327

² PPG ID: 56-015-20150327

³ 2021 Assessment of Water Stress Areas Update: <https://www.gov.uk/government/publications/water-stressed-areas-2021-classification>

20. The HBF considers that there is no justification or evidence for encouraging food production. The HBF is also concerned in relation to the implications of this policy in terms of viability, efficient use of land and site layouts. The HBF is also not sure whether residents of all new developments would want community allotments or food growing opportunities, and it is not clear what would happen where these facilities are not used in an appropriate manner or are not maintained for food growing.

DM20: Housing Requirement and delivery

21. This policy states that over the plan period (2021-2040) provision will be made to deliver a minimum of 2,660 net dwellings, equating to a net average of 140 dwellings per annum.
22. The NPPF⁴ states that to determine the minimum number of homes needed, strategic policies should be informed by a local housing needs assessment, conducted using the standard method set out in the PPG. The PPG sets out the method for calculating the minimum annual local housing need figure⁵. The HBF would also expect the Council to investigate the circumstances where it might be appropriate to plan for a higher housing need figure as set out in the PPG⁶, these circumstances include where there are growth strategies for the area, where there are strategic infrastructure improvements, where an authority is taking unmet need from a neighbouring authority, and where previous levels of housing delivery, or previous assessments of need are significantly greater than the outcome from the standard method.
23. The Housing and Economic Development Needs Assessment (HEDNA) (April 2023) states that the Standard Method results in an annual housing need of 140 dwellings per annum (dpa). It also details the exceptional circumstances that would support a figure above the Standard Method and recommends a figure in the region of 270dpa. The HEDNA also identifies a potential jobs growth (2022-32) of just over 2,100, it suggests that this number of jobs is in excess of the number of jobs that can be potentially supported by the Standard Method. It also suggests that a higher level of housing delivery for example the 270 dpa proposed would support an economic growth of 2,135 jobs and would create a better balance. The HEDNA goes on to identify an affordable housing need of 288dpa and suggests that there will be a need for both social and affordable rented housing.
24. The HBF considers that the housing requirement identified by the Council, whilst meeting the local housing need as calculated using the Standard Method is likely to be insufficient to meet the local housing need when other evidence is taken into consideration. Much of this evidence is already considered in the Council's own HEDNA, and includes the demographic considerations, the affordable need and the balance of economic growth and housing.
25. The policy continues that where a specific supply of deliverable housing sites sufficient to provide a five-year housing land supply cannot be demonstrated, the Council will

⁴ NPPF 2021 Paragraph 61

⁵ PPG ID:2a-004-20201216

⁶ PPG ID: 2a-010-20201216

apply the presumption in favour of sustainable development. The HBF considers that this statement is little more than repetition of the NPPF, and in fact adds limitations to the policy by requiring it to accord with the spatial strategy, and as such adds little. The HBF would recommend that the Council give further thought to what exactly they would do if the five-year supply cannot be demonstrated, this could for example include giving further consideration to sites that are sustainable and are well located in relation to settlements or services, or where they could provide support for local settlements or services.

DM21: Design and quality of housing

26. This policy states that new homes should be designed to make efficient use of land. It suggests densities of 50 dwellings per hectare (dph) in town centres and sites accessible to high quality public transport routes, 30-49dph within other areas within the settlement boundary, 20-29dph in areas at the edge of defined settlements and 19dph or less in rural areas.
27. The setting of residential density standards should be undertaken in accordance with the NPPF⁷ where policies should be set to optimise the use of land. The flexibility provided by this policy in relation to certain considerations 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, deliverability and viability and accessibility.
28. 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, street trees, parking provision and EV charging, and any implications of design coding will all impact upon the density which can be delivered upon a site.
29. The policy goes on to suggest that new homes should meet the nationally described space standards (NDSS). The NDSS as introduced by Government, are intended to be optional and can only be introduced where there is a clear need and they retain development viability. As such they were introduced on a 'need to have' rather than a 'nice to have' basis. PPG⁸ 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, Viability and Timing. 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.
30. The policy also states that new homes should be accessible and adaptable and where possible meet optional technical standards for M4(2), and that where practical and viable

⁷ NPPF 2021 Paragraph 125

⁸ PPG ID: 56-020-20150327

developers are encouraged to include a proportion of homes to meet the optional technical standards of Part M4(3).

31. 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.
32. PPG⁹ 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 Pendle 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.
33. 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.
34. The Council should also note that the Government response to the Raising accessibility standards for new homes¹⁰ 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.
35. The HBF considers that if the Council has the evidence to introduce this policy, it may want to consider the most appropriate way to deliver the homes they require to meet their needs. The HBF considers that this may not always be in the form of M4(3) homes, and may need further consideration.

DM22: Housing Mix

36. This policy states that all residential developments should provide a range of house types and sizes to help meet the housing needs of the local community. Table DM22b within the policy sets out the proportion of bedrooms expected across different tenures. The Policy also encourages major development proposals to deliver bungalows.
37. 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. The HBF recommends a flexible approach is taken regarding housing mix

⁹ PPG ID: 56-007-20150327

¹⁰ <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>

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 is concerned by how much reliance will be placed on Table DM22b, and how frequently this may be updated or superseded and what the process will be for introducing this new data. The HBF would support the Council in adding additional elements to the policy including the consideration of elements such as the current demand.

DM23: Affordable Housing

38. This policy sets out the targets and thresholds for affordable housing provision, this provides a range of between 0% and 20% dependent on the location and the number of dwellings provided.
39. The policy also states that 75% of affordable homes should be provided as affordable or social rent and the other 25% as First Homes. The policy states that First Homes should be subject to a discounted rate as set out in the HEDNA or its successor and that a combined annual income cap of £35,000 is applicable.
40. The HEDNA identifies an affordable housing need of 288dpa and suggests that there will be a need for both social and affordable rented housing but recommends that the Council does not have a rigid policy for the split between social and affordable rented housing.
41. The HBF supports the need to address the affordable housing requirements of the borough. The NPPF¹¹ 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.
42. The NPPF¹² is also clear that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership. The HBF is concerned that the proposed policy will not deliver this requirement, if this is to be the case the HBF recommends that the Council provide the appropriate evidence.
43. The policy suggests that the First Home discount rate should be based on information contained within the HEDNA, the policy suggests that a combined annual income cap of £35,000 should be applied. This is based on the evidence in sections 7.125-7.126 and Table 7.25 of the HEDNA, which is based on specific assumptions around affordability including a 10% deposit and a 3.5 times mortgage multiple. Table 7.24 which the policy suggests provides the information for a discount rate suggests a variety of discounts dependent on the number of bedrooms. However, it is noted that paragraph 7.119 is very clear that it is important that the Council ensure that any discount above 30% does not prejudice the viability of provision of rented forms of affordable housing. Whilst

¹¹ NPPF 2021 Paragraph 34

¹² NPPF 2021 Paragraph 65

paragraph 7.122 states that it is not recommended to seek a higher [discount] figure unless this can be proven to not impact on overall affordable delivery. Therefore, without further consideration of the viability the HBF is unable to comment on the appropriateness of this policy.

DM27: Self-build and custom housebuilding

44. This policy states that proposals for 50 dwellings or more will be expected to promote self-build and custom housebuilding. A minimum of 5% of all new homes provided on these sites will be required for self-build.
45. The HBF would be keen to understand the evidence to support the need for custom and self-build housing in Pendle, and how it has informed the requirements of Policy DM27. The PPG¹³ sets out how custom and self-build housing needs can be assessed. The HEDNA sets out that there has been a total of 261 registered expressions of interest in a serviced plot of land, at an average of 37 plots per annum. It sets out the most popular locations are Barrowford, Fence and Nelson, with 72% of people looking for a single plot, with 6% wanting to be involved with a community self-build.
46. The HBF does not consider that the Council has appropriate evidence to support the requirement for developers on sites of 50 dwellings or more to provide 5% of all new homes as service plots for custom or self-build housing. The HBF is concerned that as currently proposed this policy will not assist in boosting the supply of housing and may even limit the deliverability of some sites and homes. The HBF considers that the Council's own evidence show that there is not a demand from custom and self-builders to live on sites within a larger residential development scheme.
47. The PPG¹⁴ sets out how local authorities can increase the number of planning permissions which are suitable for self and custom build housing. These include supporting neighbourhood planning groups to include sites in their plans, effective joint working, using Council owned land and working with Home England. The HBF considers that alternative policy mechanisms could be used to ensure a reliable and sufficient provision of self & custom build opportunities across the Borough including allocation of small and medium scale sites specifically for self & custom build housing and permitting self & custom build outside but adjacent to settlement boundaries on sustainable sites especially if the proposal would round off the developed form.

DM34: Engaging the community

48. This policy states that before submitting a planning application, applicants should engage in proportionate pre-application discussions with members of the community, and where relevant statutory bodies. It also states applicants should confirm how this engagement process has influenced proposals and prepare a consultation statement.
49. The HBF is concerned that this policy is particularly overly onerous and unnecessary for the majority of applications. The HBF is also concerned at the potential for additional work this may create for statutory bodies and providers, and how this burden may impact

¹³ PPG ID: 67-003-20190722

¹⁴ PPG ID: 57-025-20210508

on the time taken to determine actual applications. The HBF would strongly recommend that parts 1 and 2 of this policy are deleted.

AL01: Housing Site Allocations

50. The HBF has no comments on the proposed housing allocations in Policy AL01 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.
51. The Plan's policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver Pendle'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.
52. 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.
53. 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.

Monitoring framework

54. Appendix 10 set out the policy context and relationships, it identifies key sources of evidence and performance indicators. However, the indicators do not have any actions associated with them, so it is not exactly clear how the indicators will be monitored and how it will be determined if any action needs to be taken to address issues with the delivery of the plan or what those actions may be. The HBF recommends

that the Council amend the Monitoring Framework to include more details as to how the plan will actually be monitored, and identifies when, why and how actions will be taken to address any issues identified.

Future Engagement

55. 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.

56. 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,

A handwritten signature in cursive script, appearing to read 'Joanne Harding', written in black ink.

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