



THE HOME BUILDERS FEDERATION

Strategic Planning and Implementation,
West Lancashire Borough Council
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Email: Localplan@westlancs.gov.uk

Date: 26th June 2015

Sent by Email only

Dear Sir / Madam,

Affordable Housing SPD

1. Thank you for consulting with the Home Builders Federation (HBF) on the Affordable Housing SPD.
2. The HBF is the principal representative body of the house building industry in England and Wales and our representations reflect the views of our membership of multinational PLCs, through regional developers to small, local builders. Our members account for over 80% of all new housing built in England and Wales in any one year including a large proportion of the new affordable housing stock.
3. We would like to submit the following comments which are presented in conformity with the SPD structure.

General Issues

4. The SPD sets out a number of Affordable Housing 'Policies'. Whilst it is noted these are intended to be in conformity with and provide additional detail upon the West Lancashire Local Plan (WLLP) policies, the SPD cannot create policy. It is therefore recommended that the reference to the various policies within the SPD be amended to clearly indicate it is guidance only.

Need for affordable housing

5. Paragraph 1.2.4 identifies that the Council will periodically update its evidence base in relation to affordable housing and that where a study indicates that a change in affordable housing policy is required, the SPD and or the Local Plan would be amended accordingly to reflect the updated evidence. In conformity with our comments upon 'General Issues' above the Council is reminded that SPDs cannot be used to formulate or vary policy. This is clearly set out within the NPPF, paragraphs 153, 174 and Annex 2 and is supported by the inspectors' interim comments and final report upon the Leeds Core Strategy.

6. To avoid any confusion the HBF recommends that paragraph 1.2.4 be amended to read;

'It is expected that the Council will periodically commission further Housing Needs and Demand Studies over future years. If the results of any such studies were to indicate that a change in affordable housing policy is required, this SPD and/or the Local Plan would be likely to be amended accordingly to reflect the updated evidence'.

Policy AH1: Quantity of affordable housing

7. The 'policy' largely reflects the targets and thresholds set out within WLLP Policy RS2, once the amended thresholds following the ministerial statement made on 28th November 2014 and subsequent amendments to the PPG, are taken into account.
8. The HBF does, however, query the legitimacy of the Council's stance upon small rural villages and protected land where it is argues that a 5 unit and zero unit thresholds should apply. The PPG (ID: 23b-013-20141128) clearly identifies that a lower 5 unit threshold can only apply to rural areas described under section 157(1) of the Housing Act 1985. The HBF is unaware that this relates to any part of West Lancashire. Paragraph 2.1.2 of the SPD suggests that due to the restrictive nature of the policies with regards to small rural villages and protected land that the ministerial statement and PPG do not apply. The PPG is clear that the only exception to the thresholds are rural exception sites. Annex 2 of the NPPF provides a definition of rural exception sites which states;

'Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding'.

9. The Council will therefore need to satisfy itself that sites within the small rural villages and protected land can justifiably be considered as rural exception sites.
10. The SPD could also usefully provide guidance upon the mechanisms the Council will use to assess the amount of vacant building credit which will offset the affordable housing requirement upon qualifying sites. The Council will be aware that the ministerial statement, 28th November 2014, and updates to the PPG outline the basic principles of the credit which should be adhered too. The inclusion of additional text within AH1 would provide more clarity and certainty for both developers and the Council when relevant sites are being considered at the planning application stage.

Policy AH3: Specialist housing for the elderly

11. In line with WLLP policy RS1 the SPD identifies a 20% requirement for specialist older person accommodation on sites of 15 or greater. This the WLLP notes is in addition to the requirement for all properties to meet the Lifetime Homes standard. This is because the WLLP identifies that the 20% requirement must not be just adaptable but also contain 'features' which are specifically designed for older people. The HBF is supportive of the flexible stance taken through the SPD in terms of the forms of housing which constitute specialist housing for older people, as described in paragraph 2.3.3. However the legitimacy of the requirements are questioned.

12. Whilst the policy and the supporting text of the WLLP and SPD are noted the more recent ministerial statement upon housing standards, Eric Pickles 25th March 2015, must take precedence. The Government *Housing Standards Review* was intended to be a 'tidying up' exercise to deal with 'complex, overlapping or contradictory housing standards'. In terms of Lifetime Homes these are to be consolidated with approved document M of the Building Regulations. These allow for new optional requirements to be made locally. The Lifetime Homes standard is effectively replaced by 'Category 2 – Accessible and Adaptable Housing'. A further higher standard is also proposed to replace the Wheelchair Housing Standards which is 'Category 3 – Wheelchair User Dwellings in Part M (Access to and use of buildings)'. These changes will be implemented on 1st October 2015. Neither the ministerial statement nor the PPG provide for an additional standard as intended by the policy and SPD.

13. According to the PPG, to apply the new higher standard, this must be examined through the local plan process and the following issues should be taken into account:
 - The likely future need for housing for older and disabled people
 - Size, location, type and quality of dwellings needed to meet specifically evidenced
 - Accessibility and adaptability of existing stock
 - How needs vary across different tenures
 - Impact on viability.

14. Whilst the HBF note the evidence contained within the SPD and documents which supported the WLLP it does not appear that all of the above requirements can be satisfied. The ministerial statement is, however, clear that from 1 October 2015: Existing Local Plan policies and SPDs relating to access should be interpreted by reference to the nearest equivalent national technical standard. Decision takers should only require compliance with the new national technical standards where there is a relevant current Local Plan policy. In this instance, presuming policies RS1 and RS2 can be considered to fulfil the requirements of the ministerial statement, it would appear that the Council is unable to go beyond the optional category 2 standard as there is no other optional standard which fits the 20% older person requirement. It should be noted that the PPG (ID 56-009-20150327), does not promote the category 3 optional standard be used

unless the local authority is responsible for allocating or nominating a person to live in that dwelling.

Policy AH5: Viability considerations / Appendix B: Viability Assessment Checklist

15. The HBF supports the inclusion of viability considerations within the SPD and supporting appendix B. It is, however, considered that further clarity could be provided by the definition of 'large schemes' in relation to the final paragraph of Policy AH5.

Information

16. I trust that the Council will find the foregoing comments useful in the continued preparation of the Affordable Housing SPD. I would happy to discuss these comments further if required. I also wish to be kept informed of any future consultations upon the Local Plan and associated matters.

Yours sincerely,

MJ Good

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