

Examination of the Leicester Local Plan 2020-2036

MATTERS, ISSUES AND QUESTIONS FOR THE EXAMINATION (MIQs)

Response from HBF, September 2024

Please note, these comments are in addition to our Regulation 19 comments, which we have not repeated here. We have referred to our Reg 19 comments where we have expanded our comments or provided additional comments, but only where we believe this is helpful.

We have not responded to all of the questions only those where we have further comments to make. Our original Reg 19 comments still stand.

Policy SL01 – Housing Need and Requirement

30. In the light of the most up to date calculation of local housing need for Leicester of 39,424 dwellings at 2,494 dwellings per annum (dpa) for the period 2020-2036, is Policy SL01 of the Plan positively prepared, justified and consistent with national policy in setting a housing target of 20,730 dwellings (1,296 dpa)? If not, what should the housing requirement be both annually and for the proposed Plan period?

HBF believe the plan period needs to be extended and therefore the total housing requirement will need to be higher. We have made additional comments highlighting our concerns around the housing numbers in our Reg 19 response.

31. Given the imperative of national policy to significantly boost the supply of homes, in paragraph 60 of the NPPF, is Policy SL01 justified in setting the figure of 20,730 dwellings as ‘a target the Council will work towards’ or should this be set as a ‘minimum housing requirement’ for Leicester?

As the housing requirement for the plan is a minimum, HBF continues to be of the view that all housing targets should be set as a minimum. The phrasing ‘a target the Council will work towards’ is unsound and does not comply with national policy.

32. Is it justified and appropriate that the remaining unmet housing need will be distributed as agreed in the Leicester and Leicestershire Housing and Employment Need Statement of Common Ground?

HBF believe that the Council needs to show it is doing all it can to provide as much housing as possible within Leicester City. However, we also recognise that the City is closely bounded and it seems inevitable that some unmet need will remain, especially as HBF suggest the housing requirement should be higher in the first place.

HBF recognise that the Leicester and Leicestershire authorities have been trying to work together to address Leicester City’s unmet needs, a position which is sadly uncommon across the country. HFB therefore supports the Councils recognition of an unmet need in Leicester and the need for the neighbouring authorities to play their role in seeking to meet it. What is essential is that this commitment is followed through into allocations in neighbouring local authorities Local Plans which meet this unmet need. These sites must also be viable and deliverable.

MATTER 3 – HOUSING

Issue 3: Has the Plan been positively prepared and is it justified, effective consistent with national policy in meeting the housing needs of all groups in Leicester over the plan period?

Housing Land Supply

Policy Ho01 – Non-Strategic Housing Allocations

General Questions

77. Is Policy Ho01 effective, given that the housing allocations are not set out in the policy but listed in Appendix 6?

The sites should be listed in the policy.

Policy Ho02 – Housing Development on Unallocated Sites

187. Are criteria a) and c) of Policy Ho02 justified and consistent with national policy in making it a policy requirement for proposals on unallocated sites to comply with supplementary planning documents and design guides/codes, which do not form part of the development plan?

National policy does support the delegation of policy to SPD. This clause should be removed from the policy. If any reference is needed to SPD this should be in the supporting text.

188. For clarity and effectiveness, should criterion b) of Policy Ho02 cross refer to Policy DI01 on Developer Contributions and Infrastructure with regard to the requirement to provide new infrastructure?

HBF remains concerns for the reasons set out in our Reg 19 response and elsewhere in our MIQ response that the deliverability and viability of the plan remains in question, and further flexibility is needed to ensure that the housing need in Leicester are both planned for to be met in full and met in full in practice.

Windfall allowance

189. Is the allowance of 214 dpa for windfall sites from year 4 to the end of the Plan period justified, based on proportionate and compelling evidence of windfalls as a reliable source of supply, in addition to non-strategic site allocations?

HBF has significant concerns about the Council's reliance on windfall which are clearly set out in our Reg 19 response. We remain of the view that the Council has not yet demonstrated the robustness and reliability of this source of supply. Our request for a clear housing trajectory showing development from all sources appears to remain outstanding.

Central Area Capacity

190. Is the delivery of 6,286 dwellings within the Central Development Area of the City justified by the evidence and likely to be delivered within the Plan period?

HBF's concerns about the Council's reliance on such a high level of housing in CDA is clearly set out in our Reg 19 response. We remain of the view that the Council has not yet

demonstrated the robustness and reliability of this source of supply for the level of housing proposed.

Commitments

191. Are the housing sites with planning permission deliverable or developable within the timescales set out in the housing trajectory, based on the evidence in Housing Allocations & Commitments –Deliverability and Developability spreadsheet [EXAM 9]?

HBF's comments on this issue are set out in our Reg 19 statement. HBF do not comment on individual sites but we would highlight the challenges some of our members are facing in seeking to bring forward urban brownfield sites since the introduction of mandatory BNG as set out elsewhere in our MIQ response. This issue has made development more complex and added in delays.

5-year Housing Land Supply

192. Does the evidence suggest that there is likely to be a 5-year supply of deliverable housing sites in Leicester on adoption of the Plan and a rolling 5-year supply from then onwards to the end of the Plan period?

HBF's comments on this issue are set out in our Reg 19 statement. HBF believe the plan period should be extended.

Overall Housing Land Supply

193. Overall, does the evidence demonstrate that the supply of housing land would be adequate to meet the housing requirements of Leicester over the Plan period?

HBF's comments on this issue are set out in our Reg 19 statement. We have asked for a housing trajectory diagram to be included but this remains outstanding. This is important for monitoring to enable early intervention if monitoring shows the much needed housing in Leicester is not being delivered.

Other Housing Policies

Policy Ho03 – Housing Mix including Adaptable and Accessible Homes

195. The optional technical standards in relation to accessibility should only be required if they address a clearly evidenced need and where their impact on viability has been considered. What is the evidence in relation to need and viability for the proposed access standards in Policy Ho03?

HBF's view on this matter are set out in our Reg 19 response. We still question the viability of the proposed policy and housing mix.

198. For clarity should Policy Ho03 cross reference to other policies that refer to specific housing types, such as self-build?

HBF's comments about self-build are set out in our Reg 19 statement we continue to question the deliverability and desirability of self build plots within larger housing schemes. As such there we would not see the need to reference self build policies in this policy. It is important to remember that the Plan should be read as a hole. Cross references to some but no relevant policies can create confusion.

HBF does not consider that requiring major developments to provide for self-builders is appropriate. Instead, the HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. The HBF considers that Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils' own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners.

It is considered unlikely that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity.

However, if a self-build policy is pursued, HBF highlight that if demand for plots is not realised, it is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The Plan should set out the timescale for reversion of these plots to the original housebuilder, which should be as short as possible from the commencement of development because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self and custom builders. HBF would therefore suggest that any unsold plots should revert to the original developer after a maximum six-month marketing period.

199. Should criterion b) of Policy Ho03 be amended to include reference to the higher standard of M4(3) given the evidence that more wheelchair accessible accommodation will be / is required?

HBF do not support this suggestion. However, if any reference is made to M4(3) a distinction will need to be made between M4(3)a wheelchair adaptable housing and M4(3)b wheelchair accessible housing. The whole plan viability assessment should be explicit on what costs it has been applying when considering M4(3)a or M4(3)b, as the latter can only be sought on affordable housing where the Council has nominations and is considerably more expensive than the former.

200. Whilst it is accepted that Policy Ho06 deals with the implementation of self-build/custom build housing, should the requirement for this type of housing be set out in criterion a) of Policy Ho03, particularly given the current shortfall of such plots?

See response to 198. Our concerns about self-build remain.

Policy Ho04 – Affordable Housing

201. What are the past trends in affordable housing delivery in terms of completions and housing type and tenure? How is this likely to change in the future?

HBF remains concerned for the reasons set out in our Reg 19 and this MIQ response that the policies in the Plan when taken as a whole will not deliver the affordable housing that Leicester needs. Additional housing is required to secure affordable housing delivery. HBF unclear if and

how the delivery of housing to meet the unmet needs of Leicester in neighbouring authorities will contribute to meeting the affordable housing needs of Leicester.

202. Are the requirements of Policy Ho04, at criterion a), justified by adequate, proportionate and up to date evidence about need and viability?

HBF's concerns about viability remain. The whole plan viability assessment needs updating and needs to include all relevant factors. Flexibility is needed within the policy to address any site-specific factors.

203. Is the reference in Policy Ho04 to 75% of the affordable homes being for rent and 25% for low cost home ownership justified? Is it consistent with the national policy expectation that 10% of homes on major sites should be available for affordable home ownership (NPPF paragraph 66)?

See HBF Reg 19 response and response to question 202 above

204. Given that the requirement for affordable homes arises from the need of the City's population, is the approach to require 0% affordable housing within the CDA justified? What evidence is there to show that affordable housing in the CDA is not required? What is the evidence to support the Council's decision to support space standards in terms of viability and not affordable housing within the CDA?

See HBF Reg 19 response. HBF suggest affordable housing is needed within the CDA but evidence already shows it is not viable. We would therefore support increasing the housing numbers to improve viability.

205. The Planning Practice Guidance states that an increase in the total housing figures included in the Plan may need to be considered where it could help deliver the required number of affordable homes. Has the Council considered this?

See question 204 above.

206. Is it sufficiently clear what would forms 'an exceptional circumstance' to justify off site provision of affordable housing referred to in criterion d) of Policy Ho04?

No further explanation and flexibility is needed.

207. What is the timescale for the preparation of the separate guidance on commuted sums and their calculation, referred to in paragraph 5.28 of the Plan? Would it be consistent with national policy to include this as supplementary guidance, given that the PPG states it is not appropriate to set out new formulaic approaches to planning obligations in Supplementary Planning Documents or supporting evidence base documents, as these would not be subject to Examination? To be effective should these matters be set out in the Plan?

It is not appropriate to delegate policy making to SPD. This information should be included in the Plan and factored into the whole plan viability testing.

208. Does the evidence in the Whole Plan Viability Study support the proposed viability zones in Diagram 3? Are the boundaries of these zones clear enough for Policy Ho04 to be effective?

HBF has significant concerns about the viability evidence in support of this plan as detailed in our Reg 19 statement and earlier in this MIQ response.

Policy Ho06 – Self-Build and Custom Build

213. What is the demand for Self-Build and Custom Build plots within Leicester?

214. Is Policy Ho06 clearly written, effective and positively prepared? Would it be apparent how a decision maker should react to development proposals for housing with regard to any provision of Self-Build and Custom Build plots? Would the policy as drafted ensure that sufficient plots are made available to meet the demand for Self-Build and Custom Build homes?

215. Is Policy Ho06 consistent with national policy in the NPPF and PPG in respect of the provision of Self-Build and Custom Build homes?

216. Should Policy Ho06 set out what should happen to Self-Build/Custom Build plots if they are not developed for this purpose within a set period of time?

See HBF's Reg 19 response and our response to question 198 and 199 above.

Policy Ho07 – Internal Space Standards

217. Is the requirement in Policy Ho07 for all new housing to meet the Nationally Described Space Standard as a minimum justified by adequate, proportionate and up to date evidence about need, viability and timing? Does this policy ensure the most efficient use of CDA sites?

HBF's comments on this issue are fully set out in our Reg 19 response.

218. Should there be a transitional period between the date of the Local Plan adoption and the date that the NDSS requirement will come into force, in order to allow developers to factor in the cost of space standards into future land acquisitions?

HBF's comments on this issue are fully set out in our Reg 19 response.