

Summary of Questions

Q1. Do you have any comments or suggestions about the proposal to amend the definition of affordable housing in national planning policy to include a wider range of low cost home ownership options?

This council supports the government's ambition to help young people into home ownership however it is concerned that this particular scheme will reduce the amount of housing available for social rent, affordable rent and shared ownership. This in turn will impact on the ability of the council to meet the needs of those households on low incomes who are most vulnerable.

Our evidence indicates that Low-cost market housing such as that envisaged by the Starter Home initiative would only be affordable to those who can already afford to rent privately on the open market i.e. at 100% of open market rent levels. Contrary to what the consultation document suggests, a Starter Home will be more expensive in this borough and not analogous to an Intermediate Rent product but is analogous to open market rent.

Starter Homes should not be defined as an *Affordable Housing* product if they are neither available in perpetuity for other households also in need of low cost housing or there will be no recycling of subsidy. Without these controls in place then starter homes will be a Low Cost home-ownership product.

The lack of an 'in perpetuity' restriction or recycling of subsidy should be carefully considered. Such an approach would mean that any additional affordable (or low cost) housing supply would only have a limited shelf life and coupled with the Right to Buy, would not enable local authorities to maintain a sufficient stock of affordable housing to meet the on-going identified needs for affordable or low cost market housing. The Starter Home price cap of £250,000 (outside London), would represent 13 times the average lower quartile income (£19,227) for households in Welwyn Hatfield (2013) and would only be affordable to buy by those with significantly higher household incomes.

Q2. Do you have any views on the implications of the proposed change to the definition of affordable housing on people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter?

The CLG Equalities Statement states that broadening the definition of affordable housing could have a negative impact on a number of Protected Groups, identified by CLG to be households over the age of 40, households led by someone from a Black, Minority Ethnic Group, Women and households with at least one disabled or long term sick person. However, the Government concludes that access to existing housing for Protected Groups would not be significantly affected.

The Council does not have any evidence to demonstrate that the CLG assessment of impact is incorrect. However, the implications are that some of the most disadvantaged households in society would have access to less affordable housing supply than would be the case if the Starter Home product was not introduced which would have a negative social impact.

Q3. Do you agree with the Government's definition of commuter hub? If not, what changes do you consider are required?

Do not consider that this is sufficiently tightly defined. In the supporting text there is reference to the research carried out by the government relating to towns over 25,000 but there is no reference in the definition to the number of passengers served by the interchange. There are a number of locations where high density development may not be appropriate please see below.

Q4. Do you have any further suggestions for proposals to support higher density development around commuter hubs through the planning system?

The draft policy approach set out in the NPPF is too rigid and potentially could result in a conflict between different sections of the NPPF. For example Hatfield station which is a main transport interchange lies opposite the formal entrance to Hatfield House which is a grade 1 listed building. High density development although 'feasible' could impact on the setting of the listed building and would therefore not be 'appropriate'.

Consideration would also need to be had to noise pollution and air quality issues for new residents. Some stations lie in the Green Belt where again high density development could have a significant impact on the openness

The emerging policy in the council's local plan refers to higher density development in accessible locations not just commuter hubs and it might be appropriate for the NPPF to refer to such locations rather commuter hubs.

To summarise the NPPF should encourage Local Planning Authorities to plan for higher density development in accessible locations where appropriate and where it does not conflict with other policies in the NPPF.

Q5. Do you agree that the Government should not introduce a minimum level of residential densities in national policy for areas around commuter hubs? If not, why not?

Yes this needs to be determined locally as the context will vary.

Q6. Do you consider that national planning policy should provide greater policy support for new settlements in meeting development needs? If not, why not?

Yes support a change in national policy to this effect. This will be a strategic matter and will have duty to cooperate implications. Local Planning Authorities and infrastructure providers will need to be adequately resourced in order to plan positively for such settlements where they are sustainable.

Q7. Do you consider that it would be beneficial to strengthen policy on development of brownfield land for housing? If not, why not and are there any unintended impacts that we should take into account?

The recent and proposed changes to the planning system could result in an oversupply of housing sites and as a consequence there will be no incentive for housebuilders to develop the more difficult brownfield sites in suitable locations. Welwyn Hatfield Borough Council's current local plan supports the use of previously developed land and the council is not aware of any local plans which do not.

The council is concerned that the Permission in Principle for small brownfield sites will not be a sufficient incentive to bring forward such sites which may be less profitable.

It is surprising that there is no reference in the consultation to measures set out in the Housing and Planning Bill for Permission in Principle for sites allocated in the Local Plan.

Q9. Do you agree with the Government proposal to define a small site as a site of less than 10 units? If not, what other definition do you consider is appropriate, and why?

Yes

Q10. Do you consider that national planning policy should set out that local planning authorities should put in place a specific positive local policy for assessing applications for development on small sites not allocated in the Local Plan?

Consider that there should be criteria based policy for windfall development; however the consultation document implies that further clarity is required. Welwyn Hatfield District Plan contains a criteria based policy and has resulted in delivering a number of small sites for housing in the borough.

Q11. We would welcome your views on how best to implement the housing delivery test, and in particular:

- **What do you consider should be the baseline against which to monitor delivery of new housing?**

The Council's Annual Monitoring Report and housing trajectory as set out in a recently adopted Local Plan.

• What should constitute significant under-delivery, and over what time period?

The two year period is considered to be too short a period particularly in situations where there is a recently adopted Local Plan or there is recession as economic cycles tend to last longer than two years. Furthermore house building completions will vary from year to year and a two year period will still be prone to fluctuations. A five year period is considered to be a reasonable period to trigger a review of the Local Plan and for new opportunities for housing sites to come forward.

It is considered that a percentage below expected delivery would be a reasonable starting point but account should also be taken of delivery rates in adjoining authorities and whether previous years have over delivered thereby flooding the market.

• What steps do you think should be taken in response to significant under-delivery?

A review of allocated sites and the five year land supply should take place to understand the reasons for non-delivery. Depending on the outcome of the review reaching a conclusion that there is still a demand for housing and the reasons for non-delivery are site specific a call for sites could then be carried out. This may lead to a need to review the Local Plan.

How do you see this approach working when the housing policies in the Local Plan are not up-to-date?

If an authority is in the process of updating its policies because it recognises that its policies are out of date then the Local Planning Authority is already taken action to address the situation. Where this is not the case, this situation would presumably be a material consideration in the determination of appeals and the government has the powers to prepare a Local Plan where Local Planning Authorities are not meeting their statutory duties.

Q12. What would be the impact of a housing delivery test on development activity?

This would lead to earlier reviews of local plans and potentially more choice of sites for developers. This could however result in only the easiest and most profitable sites being developed whilst more difficult sites in need of regeneration fail to come forward.

Q13. What evidence would you suggest could be used to justify retention of land for commercial or similar use? Should there be a fixed time limit on land retention for commercial use?

Planning Practice Guidance already exists on (Housing and) Economic Needs assessments and such assessments should be used to justify the retention of land for commercial or similar uses through a Local Plan (through the allocation of sites) and through the determination of planning applications. A Local Plan should include sufficient flexibility to respond to significant changes in the market including if locally appropriate a time limit where land has remained vacant for a significant period of time and has been actively marketed without success. Significant marketing evidence only provides evidence of current demand and not of what that demand will be in five years time. Local Plans are required to make provision for 15 years supply and this will be impossible to deliver if these changes are implemented.

No, no fixed time should be set on retaining land for commercial uses other than as stated in an adopted up to date Local Plan (or as subsequently reviewed). To do otherwise would undermine a local planning authority's ability to ensure there will be a sufficient supply of employment land for the plan period and to contribute positively to economic growth in accordance with the requirements of the NPPF.

A response to a short-term downward shift in demand for employment land is considered to be problematic and would potentially leave areas with a shortfall in employment land at other times, undermining the plan making process. This is a particular issue for authorities where high quality offices are being lost through permitted development rights and there are no opportunities within the urban areas to make up the loss.

Q14. Do you consider that the starter homes exception site policy should be extended to unviable or underused retail, leisure and non-residential institutional brownfield land?

No. Do not consider that there is a need for specific policy of this type as criteria based windfall policies in adopted Local Plans can allow such a change of use where appropriate and provision for Starter Homes will already be provided in all suitable housing sites. If such sites were only available for starter homes there is a danger this would prevent other forms of much needed housing coming forward in appropriate locations and potentially lead to an over-provision of starter homes or alternatively sterilise such sites where a demand for starter homes has already been met.

Q15. Do you support the proposal to strengthen the starter homes exception site policy? If not, why not?

No. There may be sound planning policy grounds for not allowing Starter Homes on sites that the local planning authority considers are required for

other land-uses. By limiting reasons for refusal to design, infrastructure and environmental consideration such as flooding could mean that Starter Homes are constructed in inappropriate locations on land that is otherwise required and suitable for other land uses, prejudicing the delivery of the Local Plan particularly to meet longer term needs.

Q16. Should starter homes form a significant element of any housing component within mixed use developments and converted unlet commercial units?

No. Starter Homes could form a component of housing mix but there is no evidence to justify why they should form a significant element of the housing component. Starter Homes will only be affordable to households on relatively high incomes; a balance should be struck between the housing market in the widest sense, providing for affordable housing, market housing and low cost market housing. A preference for a high proportion of Starter Homes could also undermine the ability of local communities to secure the infrastructure improvements needed locally, as Starter Homes will be exempt from CIL. If there is an ability to refuse such schemes on the basis of infrastructure this in turn could prevent such sites coming forward as they may not be viable. Such sites would then be sterilised by such an inflexible approach. Any target should be based on viability and need.

Q17. Should rural exception sites be used to deliver starter homes in rural areas? If so, should local planning authorities have the flexibility to require local connection tests?

If Starter Homes are to be permitted as part of the housing mix on sites where (by implication) permission for housing would not normally be granted, e.g. in the Green Belt on sites adjoining a village, then a local connection test would be an appropriate safeguard. This would help to protect the countryside from speculative development which simply meets any need for housing and not a need that ought to be specifically delivered in a rural location. The emphasis should be placed on Neighbourhood Plans to identify the need for Starter Homes and Affordable Housing in rural locations.

The Government should use this opportunity to clarify the inter-relationship between Designated Protected Areas and Rural Exception Sites where powers are restricted to certain areas - having the effect of disenfranchising someone from the Right to Buy. This means that Rural Exception Sites (where affordable housing is maintained in perpetuity) cannot be delivered in many rural areas but this complex inter-relationship requires clarification in the NPPF or PPG.

Q18. Are there any other policy approaches to delivering starter homes in rural areas that you would support?

Yes. The emphasis could be placed on Neighbourhood Plans to identify the need for Starter Homes in rural locations.

Q19. Should local communities have the opportunity to allocate sites for small scale starter home developments in their Green Belt through neighbourhood plans?

Yes. If Neighbourhood Plans are to identify the need for Starter Homes in rural locations, then they could also be given the ability to allocate small sites through Neighbourhood Plans where this is compatible with the strategic policies of the relevant development plan. However, as Rural Exception sites are 'an exception to normal policy' there should be strict limits on the scale of development. The NPPF could for example allow sites for no more than 5 Starter Homes to be allocated in a Neighbourhood Plan subject to the evidence of need and a local connection restriction.

Q20. Should planning policy be amended to allow redevelopment of brownfield sites for starter homes through a more flexible approach to assessing the impact on openness?

No. The fundamental aim of the Green belt is to keep land open. Starter Homes should be given no greater weight than any other form of development in terms of assessing the harm to openness. Allowing blanket development could mean that sites in remote locations with poor public transport and a lack of facilities are developed for what would normally be inappropriate development.

Q21. We would welcome your views on our proposed transitional arrangements.

The consultation document considers that there will be no delay to emerging plans. The council considers that there will be a need for further work relating to the following matters:

- It is considered that the proposed arrangements relating to the loss of employment land, retail, leisure and non-residential institutions for starter homes will make it difficult to plan to meet the long term needs of the borough as there will be no confidence that land identified to meet needs for the latter part of the plan period will be available. This will result in a need to identify reserve land and an evaluation of suitable options which will delay the production of the Local Plan.
- The change in the definition of affordable housing is likely to require an update to the Strategic Housing Market Assessment and viability assessment which will result in delay to producing the local plan.

The transitional arrangements need to recognise that there will be a delay to the production of emerging plans which will impact on the ability of Local Planning Authorities to have plans in place by 2017.

Q22. What are your views on the assumptions and data sources set out in this document to estimate the impact of the proposed changes? Is there any other evidence which you think we need to consider?

The evidence base for Welwyn Hatfield indicates that Starter Homes will not be analogous to Affordable Housing products such as Intermediate Rent. Indications are that Starter Homes will be as expensive to buy as it would be for a household to rent on the open market. Therefore, it is considered that the assumptions set out in this consultation document could be understating and misrepresenting the affordability and costs associated with Starter Homes.

Q23. Have you any other views on the implications of our proposed changes to national planning policy on people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter?

Please see response to Q2.