

WELWYN HATFIELD BOROUGH COUNCIL
CABINET HOUSING AND PLANNING PANEL – 19 APRIL 2017
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE) AND EXECUTIVE DIRECTOR (HOUSING AND COMMUNITIES)

HOUSING WHITE PAPER CONSULTATION RESPONSE

1 Executive Summary

- 1.1 The Government published its Housing White Paper in February 2017 and has asked for consultation responses by 2 May 2017.

2 Recommendations

- 2.1 That Members debate the proposed responses to the consultation questions.
- 2.2 That Members authorise the Head of Planning and Head of Housing and Community Services in consultation with the Executive Member for Planning, Housing and Community to make any requested changes and submit the Council's formal response.

3 Explanation

- 3.1 The Government published a Housing White Paper, called *Fixing our Broken Housing Market*, in February 2017. Its introduction by the Prime Minister describes the broken housing market as one of the greatest barriers to progress in Britain today; it sets out four strategic objectives to address the countries current housing crisis
- a) Planning for the right homes in the right places
 - b) Building homes faster
 - c) Diversifying the market
 - d) Helping people now
- 3.2 The Government objectives seek to: build more homes, remove barriers to getting homes built more quickly once planning permission is granted, open up the development market to small builders and those who embrace innovative/efficient methods of housebuilding, improving safeguards in the private rented sector and doing more to prevent homelessness. The Secretary of State for Communities and Local Government states in his introduction that the UK doesn't have enough homes and that in turn has created a market that fails to work for far too many people.
- 3.3 The paper highlights some key facts that explain why the housing market is broken: the average home costs almost eight times average earnings, houses can 'earn' more per day than the people living in them, the proportion of people living in the private rented sector has doubled since 2000, we have built 160,000 homes on average per year since the 1970s but the consensus is that we need somewhere

between 225,000 and 275,000 per year to keep up with population growth and the country isn't full as only 11% of land in England is built on.

- 3.4 The Government maintains that a number of the proposals in the White Paper (particularly in relation to housing) build on consultations and reviews conducted over the last year, and only intends to consult on two key areas where they consider new proposals are being made:
- a) Planning (including changes to National Planning Policy Framework)
 - b) Affordable Housing for Build to Rent
- 3.5 The White Paper asks a total of 38 questions of interested parties about its proposals to fix the housing market, and the text below proposes answers (*in blue italics*) to some of those questions as well as other comments that officers consider could be made to the Government.
- 3.6 Members should note that one of the main thrusts of the White Paper is to introduce more prescriptive mechanisms into the planning system for identifying housing need and then rewarding or penalising local planning authorities based on delivery rates. The proposals include a standardised approach for assessing housing requirements (Question 3b) and a multitude of thresholds at which a stronger presumption in favour of sustainable development will come into effect (Question 16a and Question 29). Officers are concerned that this adds further complexity to the planning system and makes it even more unnavigable for non-professionals. There could be many reasons why the Council cannot get an up-to-date plan and agreed housing target in place and many reasons why housing might not come forward at the rates currently anticipated, all of which could result in far less desirable sites being developed (such as tall buildings and high densities on constrained brownfield sites, rural exception sites in villages, on previously developed land in the green belt, etc).
- 3.7 From a Housing perspective, the White Paper is a summation of funding streams, initiatives and policy change that have been proposed throughout this administration. As a result the Government are not consulting on any housing proposals in the paper, as it builds on consultations and reviews conducted over the last year.

Question 1

Do you agree with the proposals to:

- a) Make clear in the NPPF that the key strategic policies that each local planning authority should maintain are those set out currently at paragraph 156 of the Framework, with an additional requirement to plan for the allocations needed to deliver the area's housing requirement? *The strategic policies in Para 156 of the NPPF are clear and valid. The first priority to "deliver the homes and jobs needed in the area" is sufficient such that an additional priority to plan for allocations for the area's housing requirement is not needed.*
- b) Use regulations to allow Spatial Development Strategies to allocate strategic sites, where these strategies require unanimous agreement of the members of the combined authority? *The introduction of combined authorities and spatial development strategies is a notable change to the current development plan system (something akin to the old Structure Plan system or the more recent LDF system), so this needs careful thought and explanation by the Government as part of the preparation of any regulations.*

c) Revise the NPPF to tighten the definition of what evidence is required to support a 'sound' plan? *The preparation of evidence is a significant factor in the time and resources it takes to prepare a Local Plan, so this proposal is welcomed.*

Question 2

What changes do you think would support more proportionate consultation and examination procedures for different types of plan and to ensure that different levels of plans work together? *For information, it is not currently anticipated that Hertfordshire will pursue a combined authority approach, but debate is taking place about the merits of a county-wide spatial planning framework that helps to achieve greater consistency, reduces repeat work, explores better co-operative working and looks at long-term answers to some of the difficult planning, transport, infrastructure and funding challenges facing all boroughs/districts.*

Question 3

Do you agree with the proposals to:

a) amend national policy so that local planning authorities are expected to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people? *WHBC has prepared a Strategic Housing Market Assessment which considers the housing needs of particular groups, and these needs are reflected in emerging Local Plan policies. This has been done on the basis of existing guidance, so it does not seem essential that further national policy is needed in this regard. From a housing perspective, evidence is stacking up that meeting the changing housing needs of older people (who usually have health and mobility requirements) will kick-start the housing market, free up family sized homes that are in short supply and reduce the public health and care bill. So plans for addressing this need should have individual and clear focus.*

b) from early 2018, use a standardised approach to assessing housing requirements as the baseline for five year housing supply calculations and monitoring housing delivery, in the absence of an up-to-date plan? *The White Paper implies that a standardised approach would be based on sub-national household projections, which are known to be subject to errors and local variations. For example, the 2011 Census revealed that there were some 5,000 fewer people living in Welwyn Hatfield than earlier projections had estimated. The Government should also acknowledge that there are many reasons why authorities do not necessarily have up-to-date plans in place, and this is often because of the challenge of identifying suitable sites for housing development – because of green belt, environmental and infrastructure constraints, as well as opposition from local people. The use of a standardised approach will set a housing target but it does not necessarily overcome any of the other factors which make it difficult to actually deliver that target.*

Question 4

Do you agree with the proposals to amend the presumption in favour of sustainable development so that:

a) authorities are expected to have a clear strategy for maximising the use of suitable land in their areas? *WHBC considers that the appropriate place for expressing a clear strategy for maximising the use of suitable land for development is our Local Plan. There are often many complex reasons why particular sites cannot be brought forward – it has not been promoted by the landowner, there are obstacles to its development, it relies on the resolution of an infrastructure limitation, it relies on the acquisition or compulsory purchase of other land, etc. There is no reason why any other form of strategy would have greater success of achieving this than the Local Plan or other planning documents, and the*

preparation of such a strategy will in practice divert resources away from these other statutory tasks. An even stronger presumption in favour of sustainable development has the risks of putting more power in the hands of the pushiest landowners/developers to bring forward sites that are not ideally suited for development.

b) it makes clear that identified development needs should be accommodated unless there are strong reasons for not doing so set out in the NPPF? *If the Government intends to create an even stronger presumption in favour of meeting identified development needs then it would be desirable for the NPPF to also provide more clarification on the strong reasons for not doing so. Footnote 9 is simply a list.*

c) the list of policies which the Government regards as providing reasons to restrict development is limited to those set out currently in footnote 9 of the NPPF (so these are no longer presented as examples), with the addition of Ancient Woodland and aged or veteran trees? *WHBC considers that there are other very valid reasons why an authority might not be able to meet its identified development needs beyond those currently listed in Footnote 9. In Welwyn Hatfield the capacity of existing infrastructure is a limitation on the amount of development that can be accommodated in the borough, and issues such as the capacity of the A1(M) and its junctions, A414 and its junctions and requirement for a new secondary school are not matters that can be easily resolved.*

d) its considerations are re-ordered and numbered, the opening text is simplified and specific references to local plans are removed? *In overall response to Question 4, the proposed changes further strengthen the emphasis on allowing development unless there are very clear reasons not to. It is likely to make the tensions between national / local policy and the reasons that people object to planning applications and ask them to be considered by our Development Management Committee ever more difficult to resolve. For authorities such as Welwyn Hatfield, and most of the adjoining authorities we must seek to co-operate with, these changes do not resolve the inherent tension between the presumption in favour of sustainable development and the identification of green belt in NPPF footnote 9 as a reason to restrict development.*

Question 5

Do you agree that regulations should be amended so that all local planning authorities are able to dispose of land with the benefit of planning consent which they have granted to themselves? *This proposal is welcomed. From a housing perspective, this will speed up development / construction of small complex sites in particular.*

Question 6

How could land pooling make a more effective contribution to assembling land, and what additional powers or capacity would allow local authorities to play a more active role in land assembly (such as where 'ransom strips' delay or prevent development)? *WHBC considers that this function will need to be enhanced if the NPPF is likely to include greater emphasis on the use of brownfield land and estate regeneration. It is often anticipated for example that estate regeneration will be challenged by different tenures of homeownership. Mechanisms by which the Council could justify compulsory purchase and pool land would help to overcome some of these challenges – otherwise the borough could face a presumption in favour of sustainable development on other brownfield and green belt sites. From a housing perspective, land pooling has been successful in other countries but it needs full commitment at a national level, as the level of public input to negotiate public and private co-operation and provide incentives to succeed in land pooling, like providing the services and the supporting infrastructure requires resources and funding and is at odds with current policy on public spending. However additional*

powers to deal with ransom strips and some form of assessment as to reasonable costs and ability to speed up development process are needed and would be helpful.

Question 7

Do you agree that national policy should be amended to encourage local planning authorities to consider the social and economic benefits of estate regeneration when preparing their plans and in decisions on applications, and use their planning powers to help deliver estate regeneration to a high standard? *It would be helpful if the Government could set out what it actually considers to be the potential social and economic benefits of estate regeneration, before this Council supports the principle and expresses support for its inclusion in the NPPF and other national planning guidance. WHBC accepts that estate regeneration could yield development opportunities, but that it is fraught with challenges, not least the disruption that might be caused to people's lives and livelihoods, and once incorporated into guidance it would represent a very significant burden on the Council to consider and progress all options throughout the borough.*

Question 8

Do you agree with the proposals to amend the NPPF to:

- a) highlight the opportunities that neighbourhood plans present for identifying and allocating small sites that are suitable for housing? *WHBC considers that neighbourhood plans could play a role in identifying and allocating small sites.*
- b) encourage local planning authorities to identify opportunities for villages to thrive, especially where this would support services and help meet the authority's housing needs? *WHBC would like to see more explanation of how this might be achieved rather than express support at this stage, as the implications of allowing villages to thrive could undermined the character and identity that many village residents want to see protected and preserved.*
- c) give stronger support for 'rural exception' sites – to make clear that these should be considered positively where they can contribute to meeting identified local housing needs, even if this relies on an element of general market housing to ensure that homes are genuinely affordable for local people? *WHBC policies already support the principle of rural exception sites to provide homes for local people. The phrasing of this proposal runs the same risks that currently exist in affordable housing policies – namely that the provision of genuinely affordable local homes can be 'watered down' based on viability evidence submitted by the applicant and confirmed by independent analysis. From a housing perspective, it is recognised that some open market sale will help landowners to bring sites forward for development to deliver affordable housing in village locations.*
- d) make clear that on top of the allowance made for windfall sites, at least 10% of sites allocated for residential development in local plans should be sites of half a hectare or less? *WHBC considers that this depends entirely on the mix and sizes of sites that have been promoted for development in the borough. It is a remarkably difficult process to identify small sites and the Council has therefore sought to allocate as many as possible within its emerging Local Plan and also favoured their inclusion in the windfall assumption and accepted they will come forward through the development management process over the lifetime of the Local Plan.*
- e) expect local planning authorities to work with developers to encourage the sub-division of large sites? *It is difficult to see how WHBC could do anything more than encourage developers to sub-divide their sites; to which they can say 'yes' or 'no'. There is no planning justification for sub-division to be included as a condition.*

f) encourage greater use of Local Development Orders and area-wide design codes so that small sites may be brought forward for development more quickly? *This is welcomed in principle but it should be acknowledged that it has resource implications for WHBC to prepare LDOs and design codes. This Council was involved in a PAS pilot study that was unfortunately unsuccessful because the landowner pulled out of discussions part way through the project, with no explanation given as to why.*

Question 9

How could streamlined planning procedures support innovation and high-quality development in new garden towns and villages? *There is a risk that streamlining reduces the time available for innovation and high quality. In practice it relies very heavily on the landowner/developer being willing to propose a genuinely high quality scheme. WHBC has experience of both highly committed and less committed landowners/developers putting forward strategic sites as part of the emerging Local Plan, and has sought to respond by entering into Planning Performance Agreements with these companies in an attempt to engage in meaningful masterplanning and design conversations and convert these into SPD. Where landowners/developers submit planning applications before this process has concluded, one practical step might be for acceptable Design and Access Statements to be adopted by the Council as an SPD for the scheme. This could reduce the risk of design proposals being 'watered down' by subsequent landowners/developers when the site is sold.*

Question 10

Do you agree with the proposals to amend the NPPF to make clear that:

a) authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements? *Although WHBC is entirely capable of examining what it considers to be other reasonable options, it would be desirable for guidance to define a fuller list, otherwise this leaves the matter wide open for debate at consultation and examination stage. The list given in Para 1.39 of the White Paper for example refers to estate regeneration, which in itself is a potentially exhaustive process of looking at whether every single residential area in a borough/district could be redeveloped at a higher density.*

b) where land is removed from the Green Belt, local policies should require compensatory improvements to the environmental quality or accessibility of remaining Green Belt land? *The current emphasis on sites being suitable, available and deliverable means that sites are generally selected where they have been promoted for development by landowners (as an unpromoted site is by virtue unavailable and undeliverable, unless the Council considers compulsory purchase). The same situation could potentially apply in respect of making environmental or accessibility improvements to other parcels of green belt land that have not been selected for release and development. It would be helpful if any future guidance made reference to whether compensatory improvements should be quantitative and/or qualitative.*

c) appropriate facilities for existing cemeteries should not to be regarded as 'inappropriate development' in the Green Belt? *This proposal is supported. The Government may also wish to give thought to the status of crematoria, which are often best situated alongside cemeteries in green belt locations.*

d) development brought forward under a Neighbourhood Development Order should not be regarded as inappropriate in the Green Belt, provided it preserves openness and does not conflict with the purposes of the Green Belt? *WHBC disagrees with this proposal.*

Whether a development is defined as appropriate or inappropriate in the green belt should always be based on what type or use of development it is. Development should not be defined as appropriate in the green belt simply because it has been brought forward in a NDO. There is a wider point that NDOs are discretionary activities that town/parish councils and community groups can choose to prepare, and hence are unlikely to be used consistently across the borough area, and by virtue across the country.

e) where a local or strategic plan has demonstrated the need for Green Belt boundaries to be amended, the detailed boundary may be determined through a neighbourhood plan (or plans) for the area in question? *It should remain the responsibility of the strategic or local plan to define the broad extent of the new green belt boundary, and only allow a neighbourhood plan to determine the very precise boundaries. This could be a difficult matter to explain through consultation and resolve at examination stage however. As above there is a wider point that neighbourhood plans are discretionary activities that town/parish councils and community groups can choose to prepare, and hence are unlikely to be used consistently across the borough area, and by virtue across the country.*

f) when carrying out a Green Belt review, local planning authorities should look first at using any Green Belt land which has been previously developed and/or which surrounds transport hubs? *It is not necessarily the case that previously developed green belt land or green belt land that surrounds transport hubs is more appropriate for development than only parcels of green belt land. The Council can see merit however in guidance which advises local authorities to look at previously developed land in the green belt as potentially suitable for development, in advance of undeveloped land in the green belt.*

Question 11

Are there particular options for accommodating development that national policy should expect authorities to have explored fully before green belt boundaries are amended, in addition to the ones set out above? *WHBC cannot think of any at the current time.*

Question 12

Do you agree with the proposals to amend the NPPF to:

a) indicate that local planning authorities should provide neighbourhood planning groups with a housing requirement figure, where this is sought? *It is already a very challenging matter for LPAs to decide upon the housing requirement for their borough/district area and will therefore be at least as hard to define a requirement for neighbourhood planning areas. Members will be aware that the emerging Local Plan considered a number of growth strategies before favouring a broadly proportionate distribution to towns and villages.*

b) make clear that local and neighbourhood plans (at the most appropriate level) and more detailed development plan documents (such as action area plans) are expected to set out clear design expectations; and that visual tools such as design codes can help provide a clear basis for making decisions on development proposals? *This proposal is welcomed, although it should always be acknowledged that design is subjective and that there are potentially many alternative acceptable design solutions for any given site/area.*

c) emphasise the importance of early pre-application discussions between applicants, authorities and the local community about design and the types of homes to be provided? *This proposal is welcomed. From a housing perspective, it is considered that pre-application discussions are beneficial to speeding up the development process.*

d) makes clear that design should not be used as a valid reason to object to development where it accords with clear design expectations set out in statutory plans? *Members will be aware that many of the discussions at Development Management Committee relate to the tensions between national/local design policies and the proposed design of a particular planning application and its perceived impact on residents. Proposals are frequently refused for design, amenity and overlooking reasons. It is not feasible that all of these matters can be satisfactorily anticipated and included in design policies.*

e) recognise the value of using a widely accepted design standard, such as Building for Life, in shaping and assessing basic design principles – and make clear that this should be reflected in plans and given weight in the planning process? *This proposal is welcomed, as a baseline level of design quality for all schemes to achieve and hopefully exceed. It should however be absolutely clear that such design standards are “baselines” that are the minimum to be achieved rather than the maximum that needs to be done by applicants, as design must take full account of local circumstances. From a housing perspective, it is considered that this would increase the appeal and ability of development in all areas.*

Question 13

Do you agree with the proposals to amend national policy to make clear that plans and individual development proposals should:

a) make efficient use of land and avoid building homes at low densities where there is a shortage of land for meeting identified housing needs? *Evidence may indicate that the market requires the construction of some homes at low densities, to help rebalance a settlement where there is a particular bias towards other types/densities of housing.*

b) address the particular scope for higher-density housing in urban locations that are well served by public transport, that provide opportunities to replace low-density uses in areas of high housing demand, or which offer scope to extend buildings upwards in urban areas? *This Council already acknowledges the opportunity for higher density development in areas that are accessible by public transport. It remains the case however that this must be balanced against the capacity of the site and the settlement to accommodate high density development. In Welwyn Garden City it is necessary to consider garden city heritage. In Hatfield it is necessary to consider impact on Hatfield House and gardens. In villages it is often the capacity of services and infrastructure to accommodate high density schemes that must be carefully considered.*

c) ensure that in doing so the density and form of development reflect the character, accessibility and infrastructure capacity of an area, and the nature of local housing needs? *Yes, this must remain an important consideration of high density development.*

d) take a flexible approach in adopting and applying policy and guidance that could inhibit these objectives in particular circumstances, such as open space provision in areas with good access to facilities nearby? *This is a matter for the Council to judge through its own Local Plan and at planning application determination stage, rather than something it is necessary to include in national guidance.*

Question 14

In what types of location would indicative minimum density standards be helpful, and what should those standards be? *WHBC considers that this should be a matter for Local Plans and Neighbourhood Plans, rather than national guidance.*

Question 15

What are your views on the potential for delivering additional homes through more intensive use of existing public sector sites, or in urban locations more generally, and how this can best be supported through planning (using tools such as policy, local development orders and permitted development rights)? *WHBC is supportive of the One Public Estate initiative as a way of working with other public bodies to identify the scope for public sector sites to be put to better use. WHBC has been taking to approach for some time, and although it cannot deliver huge numbers of new homes, it does provide more opportunity for selected unit types (i.e. bungalows). Existing partnerships are in place to deliver with registered providers and others.*

Question 16

Do you agree that:

- a) where local planning authorities wish to agree their housing land supply for a one-year period, national policy should require those authorities to maintain a 10% buffer on their 5 year housing land supply? *There is no clear reason why LPAs seeking to agree their housing land supply through this route should be required to have a 10% buffer, when the figures in the NPPF are 5% as a matter of course or 20% where there is persistent under-delivery. It appears to add further complexity to the planning system and make it even more un navigable for non-professionals.*
- b) the Planning Inspectorate should consider and agree an authority's assessment of its housing supply for the purpose of this policy? *This sounds like it could create a lot of work for LPAs and PINS, particularly if it must go through consultation, submission and public examination. It will divert attention away from strategic, local and neighbourhood plans and other planning work.*
- c) if so, should the Inspectorate's consideration focus on whether the approach pursued by the authority in establishing the land supply position is robust, or should the Inspectorate make an assessment of the supply figure? *As above, an establishment of robustness is likely to be less work than a full assessment of the supply figure.*

Question 17

In taking forward the protection for neighbourhood plans as set out in the Written Ministerial Statement of 12 December 2016 into the revised NPPF, do you agree that it should include the following amendments:

For Members' information, the ministerial statement states that "Relevant policies for the supply of housing in a neighbourhood plan should not be deemed to be out-of-date under Para 49 of the NPPF where all of the following circumstances arise at the time the decision is made: (i) this written ministerial statement is less than 2 years old, or the neighbourhood plan has been part of the development plan for 2 years or less, (ii) the neighbourhood plan allocates sites for housing and (iii) the local planning authority can demonstrate a three year supply of deliverable housing sites.

- a) a requirement for the neighbourhood plan to meet its share of local housing need? *WHBC would request further guidance on how a neighbourhood plan would calculate its 'share' of local housing need.*
- b) that it is subject to the local planning authority being able to demonstrate through the housing delivery test that, from 2020, delivery has been over 65% (25% in 2018; 45% in 2019) for the wider authority area? *WHBC considers that this proposal adds further complexity to the planning system and makes it even more un navigable for non-professionals.*

c) should it remain a requirement to have site allocations in the plan or should the protection apply as long as housing supply policies will meet their share of local housing need?

Question 18

What are your views on the merits of introducing a fee for making a planning appeal? We would welcome views on:

a) how the fee could be designed in such a way that it did not discourage developers, particularly smaller and medium sized firms, from bringing forward legitimate appeals.

b) the level of the fee and whether it could be refunded in certain circumstances, such as when an appeal is successful.

c) whether there could be lower fees for less complex cases.

In overall response to Question 18, the planning appeal system forms one of the many checks-and-balances aspects of the planning system. The current inference is that applicants have paid their original planning application fee, received a refusal and then wish to test that decision with the Planning Inspectorate. The introduction of a planning appeal fee would imply that the presumptive start point is that the LPA has made the right decision by refusing the application. It therefore seems reasonable that a planning appeal fee should be returned if PINS decide to overturn the LPA's decision. A planning appeal fee could also deter spurious appeals and thereby reduce workloads for overstretched planning officers. It makes sense that planning appeals should have a different fee depending on their size/complexity. It would also seem appropriate for the planning appeal fee to be split between the LPA and PINS, as both bodies incur costs in respectively defending/determining them.

Question 19

Do you agree with the proposal to amend national policy so that local planning authorities are expected to have planning policies setting out how high quality digital infrastructure will be delivered in their area, and accessible from a range of providers? *It would be preferable that this is a matter for digital infrastructure providers to make LPAs aware of any matters relating to their local plan.*

Question 20

Do you agree with the proposals to amend national policy so that:

a) the status of endorsed recommendations of the National Infrastructure Commission is made clear?

b) authorities are expected to identify the additional development opportunities which strategic infrastructure improvements offer for making additional land available for housing?

Question 21

Do you agree that:

a) the planning application form should be amended to include a request for the estimated start date and build out rate for proposals for housing? *This would be very helpful if there is to be a greater emphasis on housing delivery and an expectation that LPAs will be held accountable for housing delivery in their area. The information can be used to inform the AMR and five year housing land supply. From a housing perspective, this would be helpful, especially when setting housing priorities and would hopefully influence future*

planning decisions, but it needs to go hand in hand with penalties for not complying with committed dates without good reason.

b) that developers should be required to provide local authorities with basic information (in terms of actual and projected build out) on progress in delivering the permitted number of homes, after planning permission has been granted? *This proposal is welcomed, although it is unclear how developers will be held to account, and it implies that the burden will be on the Council to regularly contact all developers with housing planning permission in their area to seek to secure this information. From a housing perspective, this would be helpful, as it would send the right message to landowners and developers that the relevant outcomes are expected and are monitored.*

c) the basic information (above) should be published as part of AMRs? *This proposal is acceptable.*

d) that large housebuilders should be required to provide aggregate information on build out rates? *This proposal is welcomed.*

Question 22

Do you agree that the realistic prospect that housing will be built on a site should be taken into account in the determination of planning applications for housing on sites where there is evidence of non-implementation of earlier permissions for housing development? *No. There may be very good reasons why housing was not implemented as part of an earlier permission. This proposal runs the risk of refusing housing on sites that could be delivered, even if it has not happened on previous occasions. It could sterilise sites based on a chequered history that may relate to a different landowner.*

Question 23

We would welcome views on whether an applicant's track record of delivering previous, similar housing schemes should be taken into account by local authorities when determining planning applications for housing development. *It is a basic principle of planning that applications are determined on their own merits. This proposal would place a significant burden on WHBC to investigate the track record of an applicant, which could result in many issues beyond the planning system being debated in delegated and committee reports and by Members at Development Management Committee. There may be very good reasons why an applicant has not been able to deliver a previous site/scheme.*

Question 24

If this proposal were taken forward, do you agree that the track record of an applicant should only be taken into account when considering proposals for large scale sites, so as not to deter new entrants to the market? *As above, WHBC does not consider that this proposal should be taken forward. The Council's local experience is that it is small-scale landowners/developers who don't quickly progress sites on securing planning permission.*

Question 25

What are your views on whether local authorities should be encouraged to shorten the timescales for developers to implement a permission for housing development from three years to two years, except where a shorter timescale could hinder the viability or deliverability of a scheme? We would particularly welcome views on what such a change would mean for SME developers. *WHBC does not have any particular experience of sites taking many years to be implemented, so does not have any concerns about a 3 year timescale. WHBC would prefer that a degree of flexibility is offered to councils to decide the appropriate implementation period for schemes in their area. The Council's local*

experience is that landowners/developers are more likely to implement their permission (i.e. by digging foundations or other early works) but never actually complete them.

Question 26

Do you agree with the proposals to amend legislation to simplify and speed up the process of serving a completion notice by removing the requirement for the Secretary of State to confirm a completion notice before it can take effect?

Question 27

What are your views on whether we should allow local authorities to serve a completion notice on a site before the commencement deadline has elapsed, but only where works have begun? What impact do you think this will have on lenders' willingness to lend to developers?

Question 28

Do you agree that for the purposes of introducing a housing delivery test, national guidance should make clear that:

- a) The baseline for assessing housing delivery should be a local planning authority's annual housing requirement where this is set out in an up-to-date plan? *This proposal is welcomed. The figure to be used should be the annualised housing target, rather than a baseline however.*
- b) The baseline where no local plan is in place should be the published household projections until 2018/19, with the new standard methodology for assessing housing requirements providing the baseline thereafter? *WHBC considers that there may be very good reasons why a LPA has been unable to produce an up-to-date plan which may relate to inherent infrastructure or environmental limitations, and that these cannot be overcome simply by introducing a new way of calculating a housing target. Officers have noted when completing the annual housebuilding return that it uses a different definition of what can be counted as a dwelling house to the definition used in Planning Practice Guidance, notably in respect of student accommodation. The resolution of this matter would be welcomed.*
- c) Net annual housing additions should be used to measure housing delivery? *This proposal is accepted.*
- d) Delivery will be assessed over a rolling three year period, starting with 2014/15 – 2016/17? *Selecting a historic start date means that some authorities may be immediately affected by this proposal, even where there are very good reasons why they have been unable to produce an up-to-date plan. It would be fairer to give authorities time to prepare an up-to-date plan or at minimum to 'bank' their target through the Planning Inspectorate.*

Question 29

Do you agree that the consequences for under-delivery should be:

- a) From November 2017, an expectation that local planning authorities prepare an action plan where delivery falls below 95% of the authority's annual housing requirement?
- b) From November 2017, a 20% buffer on top of the requirement to maintain a five year housing land supply where delivery falls below 85%?
- c) From November 2018, application of the presumption in favour of sustainable development where delivery falls below 25%?

d) From November 2019, application of the presumption in favour of sustainable development where delivery falls below 45%? and

e) From November 2020, application of the presumption in favour of sustainable development where delivery falls below 65%?

WHBC does not consider that the consequences of under-delivery of housing should fall upon the Council and its residents, if it is actually because developers are not building out their sites fast enough. There is no certainty that the preparation of an action plan, buffers or the enhanced presumption in favour of sustainable development will have any delivery success if there are inherent local reasons why development is not proceeding at a faster rate than hoped for – such as a major infrastructure limitation, finance challenges, the lack of building materials or the lack of builders and other professionals. The proposals above add further complexity to the planning system and make it even more unnavigable for non-professionals.

Question 30

What support would be most helpful to local planning authorities in increasing housing delivery in their areas? *National policy currently requires this Council to act as both judge and jury, by carrying out housing evidence to identify an objective housing need and then contemplating the release of green belt land to help meet that need. Many Members and members of the public regard this approach as incompatible with the assertions in the NPPF and by MPs that the green belt is very important and should only be developed in very special circumstances. WHBC considers that the Government should take some national responsibility for accepting that some development must take place in the green belt in order to tackle the housing crisis.*

Question 31

Do you agree with our proposals to:

a) amend national policy to revise the definition of affordable housing as set out in Box 4?

b) introduce an income cap for starter homes? *WHBC considers that all of the proposed definitions are acceptable, but starter homes should not be regarded as meeting housing need, in replacement for affordable products and local affordability as needs have got to be taken into account. Discounted sales are not a common product and if considered affordable can conflict with shared ownership and possibly starter homes.*

c) incorporate a definition of affordable private rent housing? *WHBC agrees that a definition of affordable private rented sector housing is required, as evidence indicates many young people cannot afford private rents.*

d) allow for a transitional period that aligns with other proposals in the White Paper (April 2018)? *WHBC considers that this may assist.*

Question 32

Do you agree that:

a) national planning policy should expect local planning authorities to seek a minimum of 10% of all homes on individual sites for affordable home ownership products? *Yes, WHBC supports some form of product that is suitable for affordable home ownership.*

b) that this policy should only apply to developments of over 10 units or 0.5 ha? *WHBC considers that these are matters that should be decided at a local level based on local evidence.*

Question 33

Should any particular types of residential development be excluded from this policy?
WHBC considers that student accommodation should be excluded from the policy.

Question 34

Do you agree with the proposals to amend national policy to make clear that the reference to the three dimensions of sustainable development, together with the core planning principles and policies at paragraphs 18-219 of the NPPF, together constitute the Government's view of what sustainable development means for the planning system in England? *This proposal is welcomed.*

Question 35

Do you agree with the proposals to amend national policy to:

- a) Amend the list of climate change factors to be considered during plan-making, to include reference to rising temperatures? *WHBC is supportive of this proposal in principle but wonders how realistic it will be to make an assessment of plan-making and the direct impact of its policies on temperatures.*
- b) Make clear that local planning policies should support measures for the future resilience of communities and infrastructure to climate change? *This proposal is welcomed.*

Question 36

Do you agree with these proposals to clarify flood risk policy in the NPPF? *Yes, WHBC would welcome clarification of the flood risk policy.*

Question 37

Do you agree with the proposal to amend national policy to emphasise that planning policies and decisions should take account of existing businesses when locating new development nearby and, where necessary, to mitigate the impact of noise and other potential nuisances arising from existing development? *WHBC already takes this matter into account, but agrees that the point should be emphasised in national policy. This is particularly challenging in circumstances where offices are converted to residential use under permitted development, and the Council then receives complaints from new residents about noise from nearby commercial premises.*

Question 38

Do you agree that in incorporating the Written Ministerial Statement on wind energy development into paragraph 98 of the NPPF, no transition period should be included? *For Members' information, the ministerial statement states that local people should have the final say on wind farm applications and that local planning authorities should only grant planning permission if (i) the development site is in an area identifiable as suitable for wind energy development in a Local Plan or Neighbourhood Plan and (ii) following consultation it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing. This means that suitable areas for wind energy development will need to have been allocated in a Local Plan or Neighbourhood Plan. The emerging Local Plan does not include any land that is allocated for wind energy development. The proposal therefore implies that it would not be possible to build any wind farm schemes in the borough.*

4.1 The subject of this report is linked to Priority 3 of the Council's Business Plan 2015-2018 to meet the borough's housing need.

5 Legal Implications

5.1 There are no legal implications associated with responding to this consultation exercise.

6 Financial Implications

6.1 There are no financial implications associated with responding to this consultation exercise, other than officer time.

7 Risk Management Implications

7.1 The risk management implications of responding to this consultation exercise is that the Council is expressing a view on certain planning and housing proposals that may ultimately come to form part of national guidance.

8 Security and Terrorism Implications

8.1 There are no security or terrorism implications associated with responding to this consultation exercise.

9 Procurement Implications

9.1 There are no procurement implications associated with responding to this consultation exercise.

10 Climate Change Implications

10.1 There are no climate change implications associated with responding to this consultation exercise. There are however climate changes implications in the sense that the Government may introduce new national energy and climate change policies that will affect the Council's plan-making and planning application determination processes.

11 Policy Implications

11.1 The implications of this report are that the Government will introduce new national planning and housing policies that will affect this Council.

12 Equalities and Diversity

12.1 An Equality Impact Assessment (EIA) has not been carried out in connection with this report because it only offers comments on national policy proposals rather than recommending any changes to local policies and because it is the responsibility of the Government to assess any policies it subsequently chooses to implement.

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Date

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Background Paper:

DCLG Housing White Paper: Fixing the Broken Housing Market

<https://www.gov.uk/government/publications/fixing-our-broken-housing-market>