

REPORT TO SHEVINGTON PARISH COUNCIL 4th FEBRUARY 2016.

Department for Communities and Local Government Consultation on proposed changes to national planning policy

The National Planning Policy Framework(NPPF), published in March 2012, sets out the Government's planning policies for England, and how they are to be applied. The NPPF reinforces the central role of local and neighbourhood plans in the planning system. It promotes sustainable development, and the protection and enhancement of the natural and historic environment.

This consultation is seeking views on specific changes to NPPF, while maintaining the overall balance of policy which was carefully established following extensive consultation. Changes are proposed in the following areas:-

- Broadening the definition of affordable housing, to expand the range of low cost housing opportunities for those aspiring to own their new home;-
- Increasing the density of development around commuter hubs, to make more efficient use of land in suitable locations;-
- Supporting sustainable new settlements, development on brownfield land and small sites, and delivery of housing allocated in plans; and
- Supporting delivery of starter homes.

The consultation ends on Monday 22 February 2016.

Affordable Housing

The current definition of affordable housing is set out in Annex 2 to the NPPF:

“Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency. Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost

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homes for sale and intermediate rent, but not affordable rented housing.

Homes that do not meet the above definition of affordable housing, such as “low cost market” housing, may not be considered as affordable housing for planning purposes”

It is proposed to amend the NPPF definition of affordable housing so that it encompasses a fuller range of products that can support people to access home ownership. The definition will continue to include a range of affordable products for rent and for ownership for households whose needs are not met by the market, but without being unnecessarily constrained by the parameters of products that have been used in the past which risk stifling innovation. This would include products that are analogous to low cost market housing or intermediate rent, such as discount market sales or innovative rent to buy housing. Some of these products may not be subject to ‘in perpetuity’ restrictions or have recycled subsidy. It is proposed to make clearer in policy the requirement to plan for the housing needs of those who aspire to home ownership alongside those whose needs are best met through rented homes, subject as now to the overall viability of individual sites.

By adopting the approach proposed, the range of housing types that are taken into account by local authorities in addressing local housing needs to increase affordable home ownership opportunities is broadened. This includes allowing local planning authorities(LPA’s) to secure starter homes as part of their negotiations on sites.

The Housing and Planning Bill, currently proceeding through Parliament, will introduce a statutory duty on local authorities to promote the delivery of starter homes, and a requirement for a proportion of starter homes to be delivered on all suitable reasonably-sized housing developments. There will be a separate consultation on the level at which this requirement should be set. The Bill defines starter homes as: **New dwellings for first time buyers under 40, sold at a discount of at least 20% of market value and at less than £250,000 outside London. Support is available through the Help to Buy ISA to help purchasers to save for a deposit.**

Increasing Residential Density around Commuter Hubs.

Paragraph 47 of the NPPF enables LPA’s to set appropriate density levels for new housing development to reflect local circumstances. LPA’s have a number of different approaches to setting policy on density. Some Local Plans continue to set overall density targets, other plans set out proposed density levels on specific sites, whilst others do not set any targets and determine density levels on a site-by-site basis to ensure that development is sensitive to the local context.

There are significant benefits to encouraging development around new and existing commuter hubs-reducing travel distances by private transport, making effective use of private and public sector land in sustainable locations, and helping to secure the wider regeneration and growth of the local area. It is proposed to support higher density housing development around commuter hubs to help meet a range of housing needs including those of young first-time buyers.

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A change is proposed to NPPF that would expect LPA's to require higher density development around commuter hubs wherever feasible. It is proposed that a commuter hub is defined as:

- a) a public transport interchange (rail, tube or tram) where people can board or alight to continue their journey by other public transport (including buses), walking or cycling; and**
- (b) a place that has, or could have in the future, a frequent service to that stop. We envisage defining a frequent service as running at least every 15 minutes during normal commuting hours.**

Given the potentially significant benefits, the Government also welcome further suggestions for proposals to support higher density development around commuter hubs through the planning system.

The number of homes that can be delivered depends on the density and the definition of commuter hubs. To provide an assessment of impact, all major train stations in built up areas with a population greater than 25,000 have been considered. This would give around 680 potential transport hubs in England.

Supporting New Settlements, Development on Brownfield Land and Small Sites, and Delivery of Housing agreed in Local Plans.

Supporting new settlements

Paragraph 52 of the NPPF recognises that LPA's may plan for the supply of new homes through larger scale developments such as new settlements or urban extensions. In doing so they should consider whether this is the best way of achieving sustainable development and consider, where appropriate, whether to establish Green Belt around or adjoining such settlements

It is proposed to strengthen NPPF to provide a more supportive approach for new settlements, within locally led plans. LPA's should take a proactive approach to planning for new settlements where they can meet the sustainable development objectives of national policy.. In doing so LPA's should work proactively with developers coming forward with proposals for new settlements in their area.

Supporting housing development on brownfield land and small sites

The NPPF states that planning should encourage the effective use of land by re-using brownfield sites provided they are not of high environmental value, and that local councils can set locally appropriate targets for using brownfield land. The Housing and Planning Bill, requires LPA's to publish and maintain up-to-date registers of brownfield sites suitable for housing.

Small sites of less than 10 units play an important role in helping to meet local housing need, and the majority of these sites are on brownfield land. Building new homes on small sites, whether in rural or urban locations, can deliver a range of economic and

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social benefits, including:

- providing opportunities for small and medium-sized companies to enter the development market, helping to promote competition and quality in the house-building market;
- increasing build out rates in local areas;
- creating local jobs and sustaining local growth, particularly in rural areas; and
- making effective use of developable land.

All proposals for sustainable development on small sites are strongly supported by national policy. This will complement the measures in the Housing and Planning Bill to make it easier for applicants to secure permission in principle for development on small sites. It is proposed to apply the approach described above for brownfield land to other small sites, provided they are within existing settlement boundaries and well-designed to promote or reinforce local distinctiveness. Views are welcomed on how the proposed policy change to support small sites could impact on the calculation of local planning authorities' five-year land supply, and any clarification that may be needed..

Views are also welcomed on whether NPPF should make clear that LPA's develop clear positive Local Plan policies against which to assess windfall applications for small sites. This plan led approach would increase transparency and create greater certainty for developers on whether these sites will come forward for development.

Ensuring housing is delivered on land allocated in plans.

83% of LPA's have now published a plan and 66% have an adopted plan in place. Across the country provision has been made in plans for over 200,000 housing units per year, although in some of the areas of highest demand provision is below the level that would be needed to meet objectively assessed need

The Government is proposing to introduce a housing delivery test. This would compare the number of homes that LPA's set out to deliver in their Local Plan against the net additions in housing supply in a LPA area. The Government welcomes views on how this test would work.

To strengthen the incentive for delivery on consented sites, it is proposed to amend NPPF to make clear that where significant under-delivery is identified over a sustained period, action needs to be taken to address this Views are welcomed on what steps should be taken in these circumstances.

One approach could be to identify additional sustainable sites if the existing approach is demonstrably not delivering the housing required. These would need to be in sustainable locations, well served by infrastructure, and with clear prospects for delivery which could be specifically set out as part of any future planning consent. A range of sites may be appropriate, which could include new settlements. In such instances LPA's may need to consider whether a review or partial review of their plans are needed, or whether such settlements can be delivered through additional development plan documents. to undertake rapid and targeted policy reviews, including appropriate consultation, so that

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additional land in sustainable locations can come forward.

Supporting Delivery of Starter Homes.

NPPF contains an exception site planning policy to release land specifically for starter homes. This allows applicants to bring forward proposals on unviable or underused commercial or industrial brownfield land not currently identified in the Local Plan for housing.

Unviable and underused commercial and employment land

It is proposed to amend paragraph 22 of the NPPF to make it clear that unviable or underused employment land should be released unless there is significant and compelling evidence to justify why such land should be retained for employment use. At a minimum, this would include an up-to-date needs assessment and significant additional evidence of market demand. .

It is proposed to widen the scope of the current exception site policy for starter homes to incorporate other forms of unviable or underused brownfield land, such as land which was previously in use for retail, leisure and non-residential institutional uses (such as former health and educational sites). This will provide clarity about the scope of the exception site policy for applicants and LPA's. The current exception site policy states that a planning application for a Starter Home development on an exception site should be approved unless the local planning authority can demonstrate that there are overriding conflicts with the NPPF that cannot be mitigated.

Encouraging starter homes within mixed use commercial developments.

In cases where existing mixed use commercial developments contain unlet commercial units, it is considered that where appropriate they could usefully be converted to housing including starter homes. There would need to be clear evidence that the unit has remained unlet for a reasonable period or there is little likelihood of the unit being let for a commercial use.

Encouraging starter homes in rural areas.

It is proposed that starter homes on rural exception sites should be subject to the same minimum time limits on resale (5 years). LPA's would have the flexibility to require a local connection test

Enabling communities to identify opportunities for starter homes.

Neighbourhood plans prepared by local communities present a further opportunity to provide housing for young people wishing to enter the housing market. These could consider the opportunities for starter homes in their area as the plans are developed.

NPPF currently considers limited affordable housing for local community needs as "not inappropriate" in the Green Belt, where this is consistent with policies in the Local Plan. This does not give express support to neighbourhood plans which seek to allocate land in the Green Belt to meet housing need, where this is supported by the local community. It is considered that the current policy can hinder locally-led housing development and

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proposes to amend NPPF policy so that neighbourhood plans can allocate appropriate small-scale sites in the Green Belt specifically for starter homes, with neighbourhood areas having the discretion to determine the scope of a small-scale site

Brownfield land in the Green Belt.

The Government are firmly committed to making sure the best possible use is made of all brownfield land that is suitable for housing, to reduce the need as far as possible to release other land. This could potentially include some brownfield land that sits within the Green Belt that already has buildings or structures and has previously been developed.. NPPF sets out that most development in the Green Belt is inappropriate and should not be approved except in very special circumstances.

The Autumn Statement 2015 sets out that the Government will bring forward proposals to amend NPPF to allow for the development of brownfield land in the Green Belt providing it contributes to starter homes. It is proposed to change NPPF to support the regeneration of previously developed brownfield sites in the Green Belt by allowing them to be developed in the same way as other brownfield land, providing this contributes to the delivery of starter homes, and subject to local consultation. It is proposed to amend the current policy test in paragraph 89 of the NPPF that prevents development of brownfield land where there is any additional impact on the openness of the Green Belt to give more flexibility and enable suitable, sensitively designed redevelopment to come forward. Such land may be considered not inappropriate development where any harm to openness is not substantial.

Transitional Arrangements.

The Government is also seeking views on the transitional arrangements for the changes set out in this consultation.. It is recognised that a change in the definition of affordable housing in NPPF will require local authorities to consider their Local Plan policies. They may need to develop new policy as a result, and carry out a partial review of the Local Plan. It is proposed to introduce a transitional period for the amended affordable housing definition so that LPA's can consider making amendments to their local policies. Views on the appropriate length of the transitional period to enable reviews to be undertaken. It is envisaged that a period of six to twelve months should be sufficient

The Housing and Planning Bill is introducing a statutory duty on local authorities to promote the delivery of starter homes, and a requirement for a proportion of starter homes to be delivered on all suitable reasonably-sized housing developments.

It has been carefully considered whether it would be appropriate for a transitional period to be introduced for any of the other proposed policy changes. Having considered the extent of their likely impact on plans that have already been adopted and plans that are in preparation, a strong justification for transitional arrangements could not be justified.

Planning reforms since 2010 have placed Local Plans at the heart of the planning system. The Government's commitment is to ensure that LPA's produce a Local Plan by early

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2017. It is not intended that these policy proposals should slow down the preparation of existing Local Plans, nor is it considered necessary for Local Plans now in the examination process to be revisited. Views are welcomed on this point.

Summary of Questions

Affordable Homes

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?

The over emphasis on starter homes could inhibit localities creating balanced communities as envisaged in the Localities Act 2012. There is a risk that homes for social rent and shared ownership would be squeezed out and replaced by starter homes. This is particularly important if starter homes were not subject to restrictions on resale or enabled recycling of the subsidy.

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?

No.

Increasing Residential Density around Commuter Hubs.

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

It is not absolutely clear what qualifies as a commuter hub. There are some quite small transport interchanges in semi rural areas where higher density development would be inappropriate. Proposals should be treated on their merits. The second part of the definition could have unintended consequences creating ribbon development along high frequency bus corridors (like the 635 between Wigan and Appley Bridge).

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

It is recognised that there are benefits from higher density developments at commuter hubs, because this will release the pressure on open land sites at the periphery.

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?

No. Each site is unique and should be treated on its merits.

Supporting New Settlements

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

All the infrastructure needs of new settlements should be identified and should be in place before development commences.

Supporting Housing Development on Brownfield Land

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

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we should take into account?

Not all Brownfield sites are sustainable. Sites should only be considered if they have good access to infrastructure and jobs.

Supporting Housing Development on Small Sites

Q8. Do you consider that it would be beneficial to strengthen policy on development of small sites for housing? If not, why not? How could the change impact on the calculation of the LPA's five-year land supply?

No. Until recently LPA's were discouraged from counting small sites and particularly windfall sites in the housing supply. In places like Shevington the only contribution to the housing land supply is going to be from small sites and windfall sites.

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?

Limiting the definition to numbers alone can produce some anomalies. In low density areas ten houses could occupy over a hectare whereas ten apartments could occupy less than 0.4 hectare.

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

Yes. The principal authority(Wigan) already has such a policy.

Ensuring Housing is Delivered on Land Allocated in Plans

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?
- What should constitute significant under-delivery, and over what time period?
- What steps do you think should be taken in response to significant under-delivery?
- How do you see this approach working when the housing policies in the Local Plan are not up-to-date?

Local plans are supposed to convey a level of stability . This would not exist if the response to non delivery was releasing even more land for housing. There also would not be anything to stop the land that was not coming forward being eventually developed. There are so many factors that lead to under delivery that are outside the control of the LPA such as the national economic situation and the land acquisition policy of house builders.

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

Land owners would be stimulated to bring land with planning consent to the market but only if there was a threat not to renew their consent.

Supporting Delivery of Starter Homes.

Unviable and Underused Commercial and Employment Land.

Q13. What evidence would you suggest could be used to justify retention of land for

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commercial or similar use? Should there be a fixed time limit on land retention for commercial use?

The need to have a balanced community with both jobs and housing so as to reduce the need to commute.

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 for the reasons stated in Q13

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

No

Encouraging Starter Homes within Mixed Use Commercial Developments.

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

No not a significant element.

Encouraging Starter Homes in Rural Areas

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

No

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

No

Enabling Communities to Identify Opportunities for Starter Homes.

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

No. This would encourage the gradual erosion of Green Belt. The only justification is as part of a general review of the Green Belt.

Brownfield Land in the Green Belt.

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.

Transitional Arrangements.

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

No comments

General Questions

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?

No comments.

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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?

No comments

Recommendations

That the proposed answers to the questions in this report are conveyed to the Department of Communities and Local Government.

Barry King
30th January 2016