

Consultation on proposed changes to national planning policy

Response submitted on behalf of Maidstone Borough Council

a) Affordable Housing

- 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?*

There is no 'in principle' objection to widening the definition of affordable housing to include products which extend home ownership to meet a wider range of affordable needs. The practical implication of this, however, will be a reduction in the supply of those affordable tenures directed at those in greatest housing need, principally social rented housing. In addition to the reduced supply of social rented housing through s106 agreements through this change, the government is also committed to extending the Right to Buy to housing association tenants. In these circumstances, Registered Social Landlords may require additional resources or powers to compete directly in the housing market to boost the supply of social rented units.

The prospect that some affordable products would not retain affordability in perpetuity and/or not enable any subsidy to be recycled could further compound a depletion in the available stock for those in the most acute need.

Local authorities should retain the power to determine housing priorities, and the means of addressing them, based on local circumstances and needs.

- 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 comment to make.

b) 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?*

Given that people can walk or cycle to or from any railway station, then the definition quoted means that every railway station across the country could become

‘a commuter hub’. This is not acceptable because of the potential implications that that would have for rural villages that have a railway station of which there is a significant number in Maidstone Borough. Whilst locations in settlements close to stations are highly likely to be sustainable, there may be specific considerations – such as heritage or townscape impacts – which mean that very high density development would not be appropriate in certain places. The changes to the NPPF should ensure that the actual characteristics of the site and its surroundings, and local planning policies, are also key factors in determining the appropriate site density. High density development should not be achieved at the expense of high standards of design or linked environmental improvements such as the provision/enhancement of green spaces.

It is also not relevant to refer, in para. 15 b), to “a place that has, or **could have** in the future, a frequent service.....” (with emphasis applied). A requirement for a higher degree of certainty about future service improvements should be incorporated in the policy wording.

Both the heading of this section of the Consultation document and the wording of para. 15 use the phrase “around commuter hubs”. The interpretation of ‘around’ is left undefined. Whilst local site circumstances should always be a key determinant, more specificity would help in the interpretation of this policy.

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

Higher densities should be limited in principle to urban locations and the NPPF should acknowledge that, even there, there may be other factors (e.g. impact upon the character of a conservation area) which act against very high densities. Particular care needs to be taken in rural villages so that the character of the village is maintained and account taken of neighbourhood plans which are being prepared for rural service centres in this Borough, as in many others throughout the country.

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 should be a matter for local planning authorities to decide through the Local Plan process.

c) Supporting new settlements, development on brownfield land and small sites, and delivery of housing agrees in Local Plans

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

New settlements can help to meet local development needs but they are unlikely to be a short-term solution due to the need to provide significant infrastructure in advance of delivery. Housing delivered through new settlements will not contribute to supply for a number of years and this may have major implications for plan making and delivery requirements.

Plans for new settlements should be part of the local plan making process, including neighbourhood plans, which are able to consider comprehensively all the issues involved in major development provision. It is considered that there is already sufficient national planning policy support for the proactive involvement of developers.

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?*

Local planning authorities already promote the development of brownfield sites through their Local Plans. There is a risk from the proposed approach that other non-residential uses will be squeezed out by the presumption for housing. The approach may make it more difficult to maintain a sufficient, on-going supply of employment premises and land in particular.

The Government should consider assistance in the implementation of brownfield development for example through assistance to remediation, fiscal or financial incentives to encourage landowners to bring forward brownfield sites for development.

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 local planning authorities' five-year land supply?*

The proposed approach would apply a 'presumption in favour' of residential development of up to 10 dwellings on brownfield sites within and, potentially, at the edge of settlements. This implies a 'zoning' approach with the risk that proper

weight will not be afforded to local planning and site specific considerations in decision making.

There is already a clear support in the NPPF for the redevelopment of brownfield sites irrespective of their size and the proposed use, and local plans incorporate policies setting out how applications for housing developments within settlements are determined on unallocated sites whether greenfield or brownfield.

The approach to sites at the edge of settlements could conflict with the Local Plan process; such sites would normally be encompassed within settlement boundaries as part of the Local Plan process if they are suitable for redevelopment.

The approach could result in the underuse of land. It could encourage applications of 9 dwellings or below on sites which have the capacity for a higher number of dwellings. In this respect it would be better to also set a site area threshold.

Sites in the 5 year supply need to be specific and deliverable. On this basis, the proposed presumption would not be advantageous for the 5 year supply calculation although it would further substantiate a windfall allowance for later in the Plan period.

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?*

No. As above it is more helpful to determine what constitutes a small site by also specifying the actual size of the site. In addition, 5 dwellings is more conventionally used as the threshold for a small site for housing monitoring purposes.

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?*

No. It is to be expected that plans would incorporate policies setting out how applications for housing developments would be determined on unallocated sites irrespective of their size (or the number of units proposed) and this should be adequate.

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?*

Para. 196 of the NPPF confirms that “the planning system is plan-led” and any shortfall in the delivery of housing should be dealt with through the local plan process rather than adding further process requirements. The Local Plan process ensures full democratic and public engagement in the process of identifying sites.

Local planning authorities’ Monitoring Reports provide the basis for monitoring housing delivery against requirements over both the Plan period (the housing trajectory) and the 5 year supply calculation. The NPPF already provides a mechanism to overcome undersupply; if there is no 5 year land supply, housing land supply policies are over-ridden by the presumption in favour of sustainable development. In these circumstances, it is important that the development permitted directly helps to reduce the 5 year supply shortfall that has been identified. To this end, the NPPF could explicitly support the imposition of conditions on planning consents requiring the homes to be delivered within set timeframes.

Direct interventions with infrastructure providers, land-owners and developers to bring forward schemes are more likely to be effective than further performance management exercises. Identifying infrastructure and other constraints as part of the planning process would enable action to concentrate on the real issues affecting implementation which at present are frequently not addressed.

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

It is unlikely to affect development activity.

d) Supporting delivery of starter homes

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?

The evidence prepared for the Local Plan should provide the appropriate basis. Employment land needs can change over the timeframe of the Local Plan and the NPPF requires flexibility to accommodate future employment needs and the Local Plan provides the best means for this to be done in a transparent plan-led way. In this way, a 3 year time limit risks the permanent loss of employment land which will

be required in the medium to longer term especially as such a time frame is also significantly shorter than a full economic cycle (say 5-7 years). It is recognised that Local Plans are the means to designate and protect the 'best' employment land but inevitably there is significant employment generation on smaller sites which could be under threat by these proposals. It is an essential role of the planning system to ensure that both housing and employment requirements are provided for. There is a risk that this proposal will deliver valuable homes in a way which is to the detriment of longer term economic growth.

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?

See Q13 - the same concerns would apply.

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

The text of the consultation states that additional clarity will be provided which is welcomed.

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

Yes, in principle, but the same concerns about the provision of starter homes instead of other types of affordable housing apply (see Q1). The planning system should enable the full range of affordable housing needs to be addressed.

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?

Such sites are approved as an exception to normal policy based on a local needs assessment and the affordability benefits should be available for future generations. If starter homes are to be permitted on exceptions sites as part of a mix of affordable housing types justified through the needs assessment, a perpetuity condition should be applied. It is agreed that a local connection should also be a requirement.

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

No comment to make

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

The impact of new housing on the openness of the Green Belt would be the same whether the new units were starter homes or another form of affordable tenure. If additional encouragement is to be given to local communities to allocate land for these purposes through an 'exception policy' approach, it should extend to include all type of affordable tenure and not solely starter homes so that communities could respond to their specific local needs as identified through a local needs survey.

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?

See response to Q19.

e) Transitional arrangements

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

The proposed 6-12 months transitional period is short in view of the range of changes proposed and the implications for the Plan making process. The changes will particularly impact on Local Plans at an advanced stage of preparation.

f) 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 comment to make

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 comment to make.

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