

## **Sevenoaks District Council Response**

### **OVERVIEW**

Sevenoaks District Council (SDC) welcomes the opportunity to comment on the Government’s proposals to amend aspects of national planning policy. The Government’s ambition to increase homeownership is broadly welcomed; however there are some details within the proposals which SDC have concerns with.

Starter Homes in principle are a sound solution that could help create greater homeownership, but it does not provide a long-term solution to providing an effective, national affordable housing strategy. The proposals to amend the definition of affordable housing to include non-perpetuity models is of great concern, as this will deplete choice within the local affordable housing pool over time, and would eventually have a large knock-effect to the national supply. Starter Homes could become the preferred option for developers to provide affordable housing, locking out those on low-incomes, unable to access this particular model and restrict them to limited choices for alternative accommodation (i.e. social and affordable rented).

Local plan-making relies on the meeting the requirements of identified needs through sound evidence bases and the allocations of land; the proposals mentioned will require immediate reviews of Local Plans to accommodate any potential demand, which will have implications on the Government’s ambition for all local authorities to have a Local Plan in place by 2017. Employment land is valuable to Green Belt local authorities, and should only be realised for other uses, providing it can be demonstrated that an alternative use is the only course of action.

As a Greenbelt authority, pressures to deliver more housing is increasing, while trying to maintain a balance of sustainable development to meet the needs identified within the District. This pressure is also exacerbated by loss of valuable employment land within the District and high land values. SDC urges the Government to reconsider its proposals to amend national planning policy, and seriously consider the wider implications it will have on the delivery of affordable housing and the building agenda, at both the local and national levels.

### **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 homes?**

**Response:** The Government’s ambition to increase the level of home-ownership is welcomed and Sevenoaks District Council (SDC) supports in principle a wide range of affordable housing products to increase supply in order to help realise this ambition i.e. starter homes. Current affordable housing models such as shared ownership, shared equity and affordable rent are, by definition, held in perpetuity or the subsidy is recycled to deliver other affordable housing. If the affordable housing definition is changed, it should be categorically clear that future models (such as starter homes) would only be applicable to a limited number of people, expressly defining the criteria that are applicable to the model.

In effect, there should be a clear distinction between what is considered “affordable housing” (under the present definition) to what is considered “affordable market housing” (which the starter homes model could be considered as after the minimum 5 year occupation clause).

Furthermore, the removal of the requirement to retain affordability or recycle the subsidies for affordable housing will be lost. Under the starter homes model, units built should provided at a minimum discount of 20% below market value for a minimum of 5 years. Following 5 years since the date of occupation, the owner is permitted to sell the unit at full market value. This will reduce the choice that lower income individuals and families will have in terms of affordable housing options. We would **strongly recommend** that Starter Homes should continue to be sold at 80% of market value on all re-sales so that future households can be assisted onto the housing ladder.

Local authorities commission housing need surveys which detail the requirements for different types of homes for different groups i.e. older people. Many older people wish to downsize into a property that is better suited to their needs, which in turn would help free up larger market homes for families. While Starter Homes can help create a greater supply of affordable homes for families, accommodation options for other groups like older people will be limited. Housing associations are able to maintain a supply of suitable accommodation for particular groups in perpetuity, ensuring that the needs of the District are catered for.

**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?**

**Response:** Measures currently being discussed in the Housing & Planning Bill, especially in relation to the criteria for Starter Homes, will impact on age and disabilities in the list of protected characteristics the most. The current criteria proposes suggests that first-time buyers over 40 years old will not be able to access Starter Homes, while those on benefits due to disability may not be able to access or afford other types of low-cost homeownership models as a result of an amended definition of affordable housing.

We suggest Starter Homes should be available to those applicant types eligible under Help to Buy, irrespective of age.

### **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?**

**Response:** The definition does not seem unreasonable, in principle, as it would make sense to accommodate greater growth in areas that are considered desirable to the local workforce and the proposed definition lends itself to describing urban areas. However, there is an assumption that desirable rural areas could be developed further to accommodate development which could be insensitive to the character of the area, which could lead to greater pressures on already overstretched infrastructure, services and facilities.

Rural and green belt authorities, such as SDC, which are within close proximity to large employment hubs (i.e. London) and have good transport infrastructure will be under further pressure to increase residential densities to accommodate future growth. Recent evidence for SDC suggests that greater internal migration from London and surrounding areas will increase housing demand for professionals working in the London region. As the District is heavily constrained (93% Greenbelt and 61% designated as Areas of Outstanding Natural Beauty), increasing residential densities will prove a challenge to ensure that development can be sustained by local services and facilities provided in existing settlements.

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

**Response:** Where the definition applies, careful considerations and clear direction should be provided to ensure that growth in a Local Authority area is sustainable and proportionate. Local Plans will have to consider local area characteristics and how increasing higher densities of development can be accommodated, without jeopardising the core principles of development outlined in paragraph 17 of the National Planning Policy Framework (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?**

**Response:** SDC agrees that the Government should not set a minimum level of residential densities. Where there is scope for residential densities to increase, this should be considered proportionally through the plan-making process, taking into consideration local characteristics and character of settlements to determine the appropriate locations for development. It is common practice when allocating sites for housing to provide indicative densities for development guidance or providing details of expected density within particular areas (e.g. main centres or growth areas). This is done through public consultation with local people to ensure that the Plan and any allocations of land are positively prepared.

**SUPPORT NEW SETTLEMENTS, DEVELOPMENT ON BROWNFIELD LAND AND SMALL SITES, AND DELIVERY OF HOUSING AGREED 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?**

**Response:** The Government is keen to see 200,000 new Starter Homes built by 2020. This is part of a larger ambitious target of one million homes to be built in the same period of time. As a result, new settlements may be required, as well as urban extensions to existing settlements. This would be dependent on objectively assessed housing needs of a local authority area to ensure that it can meet demand.

Currently, national policy allows local authorities to consider urban extensions and new settlements through the plan-making process. Any change in national planning policy should not compromise established national Green Belt policy, as well as national policies which seek to protect and enhance Areas of Outstanding Natural Beauty. As a Green Belt

authority, proposals for new settlements within the Sevenoaks District would be highly unlikely due to the significant national protection the Greenbelt offers. Where possible, development could be realised within the major development sites within the Green Belt, which as be allowing in the Sevenoaks under exceptional circumstances through the local plan-making process. Examples within the District for residential development within the Green Belt include GlaxoSmithKline Powder Mills, Leigh (60 units), West Kent Cold Store, Dunton Green (up to 500 units) and Fort Halstead, Halstead (up to 450).

The development of a new settlement can take a very long time to be realised. Housing allocations within a Local Plan can be realised more quickly during the course of the Plan’s lifespan. This allows a greater distribution of sites to be realised across a local authority area in a small amount of time.

**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?**

**Response:** National planning policy and guidance stresses the importance of assessing brownfield land for housing. Currently, local authorities engage with this process positively by assessing available land within their area through a Strategic Housing Land Availability Assessment (SHLAA). In addition to the above, in strengthening the policy on development of Green belt for housing, Sevenoaks District Council considers that some of the brownfield sites will be in isolated and unsustainable locations, will be looked upon more favourably than more sustainable sites adjacent to existing built up areas and facilities. Therefore a sequential approach and strong guidance should be adopted when assessing sites, looking at all the most appropriate and sustainable brownfield options before looking at more isolated brownfield sites and then other suitable sites.

Within Greenbelt authorities, brownfield land is an important resource both for housing and employment allocations. This reduces the need to examine urban fringe locations which are typically constrained by Greenbelt designations. While SDC recognises the Government’s ambitions to create more housing, this shouldn’t be at the sacrifice of using viable brownfield land that could be used for other uses/purposes. Creating a stronger presumption for housing development will undermine viability, creating a risk that landowners and developers arguing that other uses can not be supported due to viability grounds. Local planning authorities have been successfully prioritising development on brownfield land over the preceding decades and its potential as a major supply source has therefore been diminishing.

**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?**

**Response:** Sevenoaks District Council is generally supportive of development on smaller sites and windfall sites, while allocating larger sites for larger residential developments. This is because the District is covered by over 93% Green Belt and therefore there is little opportunity to develop a large number of larger sites and therefore the majority of our housing is provided in this way, within settlement boundaries. This is supported by the NPPF, stating that small brownfield sites should support greater development

opportunities within a settlement’s boundaries. The proposed policy creates a presumption that small sites outside of the urban confines would be developed to accommodate an area’s housing requirements. The amendment of settlement boundaries to accommodate such sites could only be done through the Local Plan examination process.

Furthermore, there is little mention to how this policy would affect Green Belt authorities. As SDC has 93% of the District designated as Green Belt, it is unclear how the policy would allow small sites adjacent to the urban confines would be dealt with. It is assumed that national Green Belt policy would override the proposed policy change. The same would apply to neighbourhood plans that wish to allocate land within the Green Belt (see response to Question 19). We would therefore suggest that clear guidance is provided to reflect the differences in character and location of brownfield sites.

In terms of five-year housing land supply, if more homes were to be built as a result of this policy, it would be beneficial to have additional guidance which sets out how the housing land supply should be calculated to account for more small sites coming forward.

**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?**

**Response:** Defining a small site of less than 10 units should not be applied universally as a majority of local authorities would class developments of less than 10 units as small sites. However, in rural and Greenbelt authorities, there are greater pressures and constraints which make development opportunities difficult. Sevenoaks District sees a number of developments typically below 5 units in a majority of areas.

To ensure the avoidance of doubt, greater clarity should be given to the location of small scale sites (i.e. urban areas) with an additional definition for small scale sites within rural areas. SDC suggests that sites within rural or greenbelt areas (in regards to rural exception sites) be defined as sites that accommodate less than 5 units. In doing so, it would ensure that development is proportionate and sensitive to local character, in terms of scale and density. It is therefore important for Districts to maintain its ability to ask for S106 contributions on all developments so that Green Belt local authorities, like Sevenoaks, can maintain a supply of appropriate housing to meet the housing needs identified.

**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?**

**Response:** National planning policy should allow development to occur where the merits of a proposal outweigh material considerations. Local Plans are formed through constructive dialogue with local landowners and developers, whereby through extensive public consultation, local planning policies are formed and appropriate land for suitable uses are allocated. Methodologies highlighted in the National Planning Practice Guidance (NPPG) offer consistency to land allocations on both small and large sites for development.

The policy proposed suggests that there will be a presumption that development on small sites will occur. This is contrary to existing planning policy and is considered be an

unnecessary addition to national planning policy. In addition, the consistency for land allocations would be skewed, which could be abused by developers.

**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?

**Response:** Authority Monitoring Reports (AMR) provides a large amount of information on the performance of a Local Authority’s housing delivery. This information includes the Authority’s housing trajectory against housing completions in a given year or over the course of the plan period. Since 2011, SDC is currently exceeding its 165 per annum housing target for the current plan period (up to 2026). Further guidance could be introduced to strengthen the monitoring of housing delivery within the AMR, especially through the reporting of Starter Homes and other affordable housing models.

Using the national statistics gives the impression that each authority will be compared to the national figures. In the view of Sevenoaks DC, it is considered that this would not be an appropriate way to measure the supply of new homes as each Local Authority is of a different size and has different constraints. It would make more sense to look at the Core Strategy of that area and defined housing need and compare the provision of housing of each Local Authority against that.

It is difficult to determine what could be classed as under-delivery as it is dependent on the time frames and the housing target set. Where a plan is adopted and up to date the housing target should continue to be the baseline for delivery as it will have been reached following a rigorous assessment of constraints. The same cannot be said of unconstrained assessment of housing need (SHMA). Once a housing target is in place, if the provision of housing does not meet that target and this occurs over a number of years. Influences such as the national and international state of the economy, play a large part in the development of housing delivery. Local characteristics and pressures also play a part in local housing delivery.

It is difficult to determine what steps should be taken, as there are many reasons why housing needs are not being met and many of those reasons fall outside the remit of the planning Authority for examples developers paying too much for the land, making poor financial decisions so they cannot complete development. Delays can occur due to unforeseen issues e.g. Archaeology or Protected species.

If housing policies are not up to date, Local Planning Authorities should work to the most current adopted figure, with clear policy emphasis to encourage Local Authorities to have a more up to date plan in place.

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

**Response:** A housing delivery test would be ineffective as AMRs provide benchmarks for housing delivery within the Local Authority area. This shows whether the Local Planning Authority is meeting its housing target and therefore meeting the requirements of its housing need over the period of the Plan. Applying a housing delivery test to the planning system seems unnecessary as the planning system goes as far as the granting of planning permission. The Government should be looking towards the construction industry to determine why houses are not being built and have constructive talks to how housing delivery needs to be addressed, as the implementation of planning permissions ultimately falls within their remit, not planning.

### **SUPPORTING THE 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?**

**Response:** Local Planning Authorities have to produce Local Plans which are supported by a strong evidence base. Economic Needs Studies (ENS) and Economic Land Availability Assessments (ELAA) are key evidence bases to show the projected requirements for employment land within Local Authority areas as well as showing historical and future employment trends. On this basis, the Local Authority can positively plan for the future growth of the area by allocating suitable land for various employment uses and mixed use schemes.

Paragraph 22 of the NPPF states that planning polices should resist allocating employment land long term where there is no reasonable prospect of a site being used for that purpose. In addition, alternative proposals that are not employment use should be considered on individual merit where market signals and needs of the local community allow. The evidence base that employment allocations are based on is robust and the retention of this evidence is vital to supporting Local Plans.

Presently, the NPPF states that employment allocations should be regularly reviewed, with no further guidance on what is a sensible timeframe. Historically, evidence bases are considered up to date for 5 years, before revisions or new studies are introduced to provide updates. While this is considered as a general rule, local characteristics may require Local Authorities to provide updates less or more frequently. There should not be a fixed time limit due to different areas responding to localised market pressures, which can be less or more sensitive to national market pressures.

More specifically when looking at individual applications, SDC would expect to see that the property has been marketed for a defined length of time. They would wish a report to be completed by a suitably qualified person to show why the site is no longer suitable or viable to be retained for a commercial or similar use. We would also expect some form of assessment as to why the evidence base that supports the allocation and retention commercial base is not relevant to each specific site and also for the applicant to consider the long term implications of the loss of commercial use as although it may not be needed now, it may be required in the long term.

**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?**

**Response:** In principle, the extension of the policy to include unviable or underused retail, leisure and non-residential institutional brownfield land is a positive approach to providing more homes. However, as stated in the response to Question 13, it is important to ensure that suitable employment land is retained, providing that sufficient information is demonstrated to show that the site is unviable for its current use. It should also ensure that the locality of unviable and underused sites are taken into account i.e. the site’s location does not undermine the core principles of planning within paragraph 17 of the NPPF. Due to the amount of land covered by Green Belt in the District, Sevenoaks District Council is keen to see a balance of uses across the district, if all retail, Leisure and non residential brownfield sites were encouraged to become starter homes or residential properties, it is considered that the much needed mix of housing and commercial etc. would be unbalanced. Some of these sites would also be completely inappropriate for residential development due to its location and adjacent uses. The issue of contamination could also delay some schemes considerably.

The provision of starter homes could become the favoured option for developers to meet their affordable housing requirements. There is a danger that a number of starter home sites could be bought forward which may outstrip the demand, and reduce the number of other affordable housing products available. This will saturate the market and could signal greater inward migration into an area that is perceived desirable (i.e. proximity to place of work, education benefits, general locality etc.)

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

**Response:** Strengthening the exemption policy on Starter Homes is welcomed by SDC, but it should not be at the expense of other affordable housing provision. If starter homes are allowed on an exception site, then it is the view of SDC that they should be retained in perpetuity. The benefit of starter homes should be seen over a number of years to assist generations of first time buyers and not just for the first people who move into the property, who would benefit financially significantly. Planning applications regularly fail on the grounds of design (inappropriate densities and scale for the local area), highways or insufficient infrastructure grounds, and localised characteristics such as flooding. Local characteristics should also include further planning designations such as Green Belt, Area of Outstanding Natural Beauty (AONB), Sites of Specific Scientific Interest (SSSIs), archaeological areas and heritage assets etc. Further consideration should be given to the implications of viability and CIL which can support improvements to surrounding infrastructure to support development and may affect the affordability of starter homes.

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

**Response:** The policy position is sound in principle, providing that there is an established, identified need to support the provision of Starter Homes i.e. through a SHMA (See response to Question 1). Where there is an established need then it is assumed that

Starter Homes could be incorporated into proposals alongside other forms of affordable housing, i.e. Affordable Rent and intermediate homes. SDC therefore consider that a ‘significant element’ of housing should be starter homes only where the need has been established. Developers should not be given the prerogative to provide Starter Homes in place of other forms of affordable housing, where clear needs to the contrary exist. Clear guidance should set out the expectations of including Starter Homes within the proposal, including density and design. In addition, by allowing Starter Homes within mixed use schemes it can unlock potential regeneration opportunities especially within urban areas. However, this should not be seen as allowing residential development on suitable brownfield land that could be used for sole employment use, on the grounds of viability.

**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?**

**Response:** No, but see comments under Q1. With the removal of the “in perpetuity” element from some affordable housing models (including Starter Homes), the policy is effectively allowing homes to be built in the countryside, which is a main concern of Green Belt and rural authorities. The proposal would defeat the principle of rural exception schemes as the Starter Homes could be sold after the 5 year period and therefore the affordable housing stock lost. We would absolutely support a local connection test for rural exception SHs and clear policies that ensure that any exception sites are providing for a local need and remain in perpetuity for the use that they were originally allowed for. Rural exception schemes are for low-income people who have a local connection with the local area; this is critical for schemes to get the necessary local support.

Furthermore, there could be strong opposition in local areas if Starter Homes were allowed on rural exception sites. Once the housing unit is sold after the minimum 5 year tenure, there is nothing to stop further exception sites to be developed in order to replace lost stock. This would be considered “development by stealth” by the rural community and there is a real danger that any identified affordable local need would not be met due to strong opposition pressure.

Also within the rural areas of the District, it is highly unlikely open market prices would provide for homes costing £250,000 or less - a pre requisite for Starter Homes.

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

**Response:** See also comments to Q1. While Starter Homes could widen the number of affordable housing schemes available within a rural area, based on Q17 above, we are of the view rural exception schemes should be delivered using existing affordable housing models. These models are affordable to those with low incomes/ incomes of less than £80,000 pa and are held in perpetuity, and with the local connectivity test applied. This will ensure that the local requirements can be met. This is paramount to Green Belt and rural authorities where the allocation of housing is difficult. SDC would only support schemes were the starter homes and affordable housing could be retained in perpetuity.

Rumours have been circulating that the Government consider that the best way to ensure that affordable housing and starter homes remain in perpetuity is through covenants on the land. Covenants are not a material planning consideration and cannot be controlled by Local Planning Authorities and therefore this would not be a suitable solution.

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

**Response:** National planning policy states that Green Belt boundaries can only be amended through independent examination of a Local Authority’s emerging Local Plan. However, a neighbourhood plan could bring forward an exception site if it is in conformity with Local Plan policy and the Local Plan could then amend the Green Belt boundary at its next review.

If the following proposal were taken forward, there would be a requirement to amend Green Belt policy for both local and neighbourhood plan-making processes. Any change which have to ensure that local planning policy and neighbourhood plan allocations are in conformity with one another.

**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?**

**Response:** Further information and clarification should be published, explaining how this policy would work in practice. In principle, the redevelopment of existing brownfield land in the Green Belt is reasonable as it bringing land back into reuse. This is only feasible however, providing that the resulting development does not excessively impact on the openness of the Green Belt. The proposed policy must not conflict with established policy which protects the openness of the Green Belt.

Like the responses given to a number of Questions above, the matter is for local planning policy to determine the more suitable and appropriate sites for development for a number of uses to ensure that they are sustainable and there would not be any site specific objections e.g. highways, landscape. Any changes to green belt boundaries should be conducted through independent examination, while the Local Authority should determine the established housing need that can be fulfilled by Starter Homes, both in urban and rural locations.

**TRANSITIONAL ARRANGEMENTS**

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

**Response:** The Government proposes a partial review of Local Plans within a 6 to 12 month period. This is remarkably short given the amount of work which is required to review evidence bases, amend policy and potentially have amended Plans examined by a Planning Inspector. This, tied in with the requirement at all Local Authorities should have Local Plan in place by 2017 is unsustainable and could rush Plans which are not found sound at examination.

Further considerations should be given to impacts following the proposed amendment of the affordable housing definition. Changes to the definition from this consultation, as well as potential changes to affordable housing thresholds, will impact on how Local Authorities deliver affordable housing, from renegotiations of section 106 agreements to the collection of affordable housing contributions. Local Authorities will have to consider monitoring and delivery mechanisms as well as changes to local policy. This may take longer than the 6 to 12 months suggested in the consultation papers.

### **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?**

**Response:** By creating a general aggregate of national trends can be useful to assume estimates and development potential across the country as demonstrated by the use of data from the West Midlands (para. 39 of the consultation material). However, it does not account for broad local characteristics (i.e. local authorities within designated Green Belt areas) which, under current national policy, offer great protection to areas from development. The use and manipulation of such data should be used wisely as it does not illustrate the realistic development potential across England, as some regions are more constrained than others.

**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?**

**Response:** See response to Question 2.