

West Dorset District Council

Responses to the Consultation Questions on Proposed Changes to National Planning Policy, as Agreed by the Executive Committee on 09 February 2016

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?

It is recognised that the definition of affordable housing in national planning policy needs to be changed to be consistent with the proposals coming through the Housing and Planning Bill, in particular proposals in relation to starter homes.

Any changes to national planning policy and national policy on the provision of affordable housing need to ensure that local planning authorities are able to plan for the affordable housing needs not only of local people that aspire to home ownership, but also for local people whose needs are best met through rented homes.

The proportion of starter homes required to be delivered on all suitable reasonably-sized housing developments needs to be set locally, rather than nationally, having regard to the evidence of the need for different types of affordable housing in a local area. It is suggested that on suitable reasonably-sized housing developments, where a proportion of affordable units would be sought, no more than half the agreed affordable proportion should be provided as starter homes. This is to ensure that there would be a continued supply of other forms of affordable housing, including affordable housing for rent..

National planning policy needs to be clear that the provision of all types of affordable housing (including starter homes) should aim to meet local needs (i.e. district or borough needs other than on exception sites outside defined settlement boundaries, where the aim should be to meet town or parish 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?

Any changes to national planning policy and national policy on the provision of affordable housing need to ensure that the emphasis on starter homes does not

preclude or significantly reduce the provision of other forms of affordable housing, which are needed by other groups in society.

In particular, any changes to national planning policy and national policy on the provision of affordable housing need to ensure that other forms of affordable housing are still provided to meet the needs of:

- People who require affordable housing for rent, rather than affordable housing to buy;
- People with particular housing needs (notably disabled people and elderly people); and
- People who are in housing need and who could afford a starter home, but are not eligible (i.e. those over the age of 40 and those who have previously owned a home).

Part 2 of the West Dorset, Weymouth & Portland Strategic Housing Market Report, produced by HDH Planning in August 2014, examines the need for different sizes and types of affordable housing in West Dorset, Weymouth & Portland. This study is online here -

https://www.dorsetforyou.com/media/196643/West-Dorset-Weymouth-and-Portland-2014-Strategic-Housing-Market-Report-Part-2/pdf/EX_pb_HDH_SHMA_part_2_140808_FINAL.pdf

Table 5.19 in this document shows that in West Dorset only 1.4% of the affordable housing need is for 'discounted home ownership' (which includes starter homes), with the vast majority of need being for social and affordable rent.

Table 5.20 shows that in Weymouth & Portland only 1.9% of the affordable housing need is for 'discounted home ownership' (which includes starter homes), with the vast majority of the need also being for social and affordable rent.

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?

No response

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

No response

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 response

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?

Local plans are required to be the subject of Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) to determine the most sustainable options for meeting the development needs of a local area. Whilst it is important that, where appropriate, new settlements are considered as an option to meet the development needs of an area, it would be inappropriate if national planning policy indicated that they were preferred to other means of meeting development needs, such as urban extensions to existing towns. This is a matter that should be considered through the SA / SEA process.

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?

Paragraph 111 of the NPPF already encourages the effective re-use of brownfield land, provided that it is not of high environmental value. Any strengthening of national policy needs to retain this caveat.

Whilst the re-use of brownfield land within cities, towns and larger villages for housing is likely to deliver sustainable development, this may not be the case in rural areas, particularly in smaller villages and the countryside, where such dwellings may be isolated and remote from facilities. Any strengthening of national policy needs to include a caveat to avoid new isolated homes being created on brownfield land in more remote rural locations.

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?

Many local planning authorities have local plans that include positive policies to promote the development of non-allocated sites within settlement boundaries for housing, employment and other development to meet the needs for a local area.

Such policies not only support the development of small non-allocated sites, but also the development of larger (i.e. 10 or more dwelling) sites.

Any strengthening of national policy to support the development of small sites within settlement boundaries should allow local planning authorities some discretion in how to reflect this aspiration of Government in local policy. Any changes to national policy should recognise that policies promoting the development of all non-allocated sites within settlement boundaries would also support housing development on small sites.

National planning policy should not be amended to support proposals for the development of small sites for housing immediately adjacent to (but outside) settlement boundaries, except where they are exception sites.

In formulating policies in a local plan, a local planning authority generally will have drawn settlement boundaries to ensure that sufficient provision for housing has been made both for the plan period as a whole and to maintain a five-year supply of deliverable housing sites. Many local plans also envisage neighbourhood plans having a key role in delivering growth in villages. This approach would be undermined by this proposed change to national planning policy.

Whilst it may be appropriate for national policy to permit the release of exception sites to meet particular local needs, it is not considered appropriate to allow the release of such sites to meet general housing needs, especially where it can be demonstrated that this need can be met by other policies in the local plan, or through other approaches, such as neighbourhood planning.

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?

Sites for 10 or more dwellings are considered to be 'major development' in the Town and Country Planning (Development Management Procedure) (England) Order 2010. Defining a small site as a site of fewer than 10 units would be consistent with the statutory definition of 'major development'.

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?

It is not considered appropriate for national planning policy to require local plans to include a specific positive local policy for assessing applications for development on small sites that are not allocated, as this would exclude potentially suitable windfall sites with the capacity of 10 or more dwellings.

Local planning authorities may have different approaches to encouraging the development of sites within settlement boundaries and any changes to the NPPF should be sufficiently flexible to allow such approaches, including those that also positively support the development of non-allocated sites within settlement boundaries of any size.

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?**

The role of a local planning authority is to ensure that adequate provision is made in its local plan for the homes and jobs that are needed in a local area. Whilst local planning authorities have a role to play in assisting the delivery of housing development, this is primarily a matter for the development industry (and in relation to mortgage finance, the financial services industry).

Paragraph 49 of the NPPF already states that a local planning authority's policies for the supply of housing should not be considered up-to-date if a five-year supply of deliverable housing sites cannot be demonstrated. In such circumstances the 'presumption in favour of sustainable development' in national planning policy (paragraph 14) applies in decision-taking.

There is already a requirement for any under-delivery since the start of a local plan period to be factored into housing land supply calculations and Paragraph 47 of the NPPF also requires 'persistent under-deliverers' to increase the 'buffer' from 5% to 20% in their five-year supply, in effect requiring six years of supply. Any housing land supply calculation also has to be subject to a degree of discounting to reflect an element of non-implementation.

In West Dorset, Weymouth & Portland the average annual requirement is to deliver 775 net additional dwellings. The overall supply of deliverable houses in April 2015 was 7,342 units, sufficient to deliver 9.5 years against the annualised target. When the shortfall on previous delivery, the 20% buffer and a degree of discounting is applied this equates to a supply of 5.3 years (6,567 units). Details are set out in the latest assessment of the five year supply, which is online here - https://www.dorsetforyou.com/media/210770/Five-Year-Housing-Land-Supply-Document/pdf/Five-Year_Supply_20151116.pdf

Where local planning authorities such as West Dorset and Weymouth & Portland already have a supply of deliverable housing sites capable of delivering very large numbers of houses, there seems little merit in identifying further additional sites, as it seems that the fundamental problem is not the lack of suitable, available and achievable housing sites.

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

It is not considered that a housing delivery test would be any more effective at stimulating development activity than the current housing land supply tests and provisions already included in the NPPF.

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?

Local plans are required to make provision for employment land for a period of 15 to 20 years. It is therefore highly likely that some of these sites will not come forward for employment development within the 3 year time limit the Government intend to fix as a limit on retention for commercial use.

Any test to justify the retention of employment land needs to have regard to longer term commercial and employment needs (i.e. the needs over the period of any currently adopted local plan).

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?

The starter homes exception site policy could be extended to unviable or underused retail, leisure and non-residential institutional brownfield land, but again any test to justify the retention of such land needs to have regard to longer term needs (i.e. the needs over the period of any currently adopted local plan).

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

The intention to make it clearer that planning applications for starter homes on exception sites can only be rejected if there are overriding design, infrastructure or local environmental (such as flood risk) considerations that cannot be mitigated, would not enable the full range of potential impacts to be taken into account in the determination of such applications.

If starter homes are to be permitted on rural exception sites, such sites may be within an Area of Outstanding Natural Beauty or in close proximity to an internationally important wildlife site. The NPPF includes specific policies indicating that development in such locations should be restricted. Proposals for starter homes on exception sites should be subject to these considerations (as is the case with all other forms of development) to ensure that sustainable development is delivered.

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

It would not be appropriate for national planning policy to require starter homes to form a significant element of any housing component of a mixed use scheme, because of the variations in the viability of such schemes. Often the costs of remediation and redevelopment limit the amount of conventional affordable housing that can be provided and, under current policies, it may be appropriate to negotiate a reduced level of provision in order to make a scheme viable. Any change to national planning policy, needs to be sufficiently flexible to ensure that any requirement to deliver starter homes within a mixed use development would not make the scheme unviable.

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?

At present the current definition of rural exception sites indicates that they are 'small sites' where 'small numbers' of market homes may be allowed at the local authority's discretion. To be consistent with this approach it is considered that 'small numbers' of starter homes should be allowed on rural exception sites at the local authority's discretion.

The current definition also indicates that rural exception sites should be used for affordable housing in perpetuity and to address local needs, which typically mean needs at the town or parish level. It is considered that similar considerations should apply to starter homes on rural exception sites so that a local connection (to the town or parish) is required in initial and subsequent occupation and any subsequent re-sale should also be on the basis of a 20% discount of market value at the point of sale.

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

No response

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

No response.

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 response.

e) Transitional arrangements

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

It is considered that 6 to 12 months is not long enough for a Council to undertake a formal partial review of a local plan to reflect the proposed change in the definition of affordable housing in national policy. However, Councils should be able to take account of this change in the short term, pending any local plan review, as they are required to have regard to the NPPF as a material consideration in decision-making in any event.

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 / response

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 / response