

Somerset Housing Enabling Group Consultation Response

Changes to the current planning system: August 2020

Co-ordinated response by Somerset Housing Enabling Group as the lead professional group ensuring the sustained delivery of appropriate housing, including affordable and specialist housing across Somerset on behalf of the four local housing authorities (Mendip, Sedgemoor, South Somerset and Somerset West and Taunton).

Responses are provided to those in direct relation to Affordable Housing delivery.

Standard method for assessing housing numbers in strategic plans

Q1: Do you agree that planning practice guidance should be amended to specify that the appropriate baseline for the standard method is whichever is the higher of the level of 0.5% of housing stock in each local authority area OR the latest household projections averaged over a 10-year period?

Response to be provided at District level through Planning colleagues

Q2: In the stock element of the baseline, do you agree that 0.5% of existing stock for the standard method is appropriate? If not, please explain why?

Response to be provided at District level through Planning colleagues

Q3: Do you agree that using the workplace-based median house price to median earnings ratio from the most recent year for which data is available to adjust the standard method's baseline is appropriate? If not, please explain why.

Response to be provided at District level through Planning colleagues

Q4: Do you agree that incorporating an adjustment for the change of affordability over 10 years is a positive way to look at whether affordability has improved? If not, please explain why.

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Q5: Do you agree that affordability is given an appropriate weighting within the standard method? If not, please explain why.

Response to be provided at District level through Planning colleagues

Do you agree that authorities should be planning having regard to their revised standard method need figure, from the publication date of the revised guidance, with the exception of:

Q6: Authorities which are already at the second stage of the strategic plan consultation process (Regulation 19), which should be given 6 months to submit their plan to the Planning Inspectorate for examination?

Response to be provided at District level through Planning colleagues

Q7: Authorities close to publishing their second stage consultation (Regulation 19), which should be given 3 months from the publication date of the revised guidance to publish their Regulation 19 plan, and a further 6 months to submit their plan to the Planning Inspectorate?

Response to be provided at District level through Planning colleagues

Delivering First Homes

Q8: The Government is proposing policy compliant planning applications will deliver a minimum of 25% of onsite affordable housing as First Homes, and a minimum of 25% of offsite contributions towards First Homes where appropriate. Which do you think is the most appropriate option for the remaining 75% of affordable housing secured through developer contributions? Please provide reasons and / or evidence for your views (if possible):

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i) Prioritising the replacement of affordable home ownership tenures, and delivering rental tenures in the ratio set out in the local plan policy.

ii) Negotiation between a local authority and developer.

iii) Other (please specify)

Our greatest need is for social rent and the First Homes proposal, will reduce the capacity to deliver truly affordable housing.

Of the options detailed above, ii) would be the preferred approach and to negotiate between a local authority and developer.

Different sites will bring different challenges and/or opportunities. There must be the ability to take into account scheme specific parameters and discuss the relevant tenure for each specific location in response to local housing need evidence and local community knowledge.

With regards to current exemptions from delivery of affordable home ownership products:

Q9: Should the existing exemptions from the requirement for affordable home ownership products (e.g. for build to rent) also apply to apply to this First Homes requirement?

Yes, the whole affordable housing tenure mix should reflect the identified local housing need and flexibility should be given at a local level. The flexibility will reduce the risk of reduced demand for First Homes and mitigate market risk for the developer. We would not want to see affordable housing lost through lack of demand for First Homes. Rented affordable housing remains our top priority.

Q10: Are any existing exemptions not required? If not, please set out which exemptions and why.

We support the list of exemptions. No changes proposed.

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Q11: Are any other exemptions needed? If so, please provide reasons and /or evidence for your views

The whole affordable housing tenure mix should reflect the identified local housing need and flexibility should be given at a local level

Local plans and transitional arrangements

Q12: Do you agree with the proposed approach to transitional arrangements set out above?

Yes we agree.

Where significant negotiation regarding tenure mix on planning applications has already taken place, it would be difficult to include First Homes in the tenure mix and therefore we appreciate having the flexibility to omit this tenure at this stage, in the planning process.

Q13: Do you agree with the proposed approach to different levels of discount?

Yes we agree with the discretion that Local Authorities have the discretion to increase the discount to 40% or 50% evidenced by Local Plan making process and/or locally evidenced housing need and incomes.

Exception Sites

Q14: Do you agree with the approach of allowing a small proportion of market housing on First Homes exception sites, in order to ensure site viability?

Yes, there should be the option to include market housing where this is necessary to ensure viability, but this should be within land values of a rural exception site and in line with Local Plan policies that set the minimum First Homes requirement as part of the First Homes Exception site.

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All Exception sites should be informed through local evidenced housing need and demand specific to the local area. NPPF already allows for an element of cross subsidy to bring forward financially viable Exception sites. The Local Plan making process should incorporate the local definition and requirement for Exception sites.

Q15: Do you agree with the removal of the site size threshold set out in the National Planning Policy Framework?

Yes, however the constraints outlined in Section 71 part a) and b) in the NPPF should remain. The removal of footnote 33 is acceptable as Entry Level Exception sites should be negotiated taking into considering site specific considerations and the size of the site reflect the community requirements.

Any amendments should not result in a disproportionate of First Homes. Identified local need should be considered first and foremost.

Q16: Do you agree that the First Homes exception sites policy should not apply in designated rural areas?

Yes, We welcome the rural area exemption however the use of S157 of the 1985 Housing Act to define these areas only provides partial coverage of our rural parishes. We would ask this this exemption is intended to cover all smaller rural communities with populations of 3,000 or fewer, to reflect the need to meet the specific needs of the local community.

We request that designated rural areas is clearly defined as 'All parishes with a population of 3,000 or fewer and all parishes in National Parks and AONBs.' to reflect the changing dynamics within communities and not rely on historic agreements.

Supporting small and medium-sized developers

For each of these questions, please provide reasons and / or evidence for your views (if possible):

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Q17: Do you agree with the proposed approach to raise the small sites threshold for a time-limited period?

(see question 18 for comments on level of threshold)

No, this will add additional confusion to which sites may or may not fall within the 'time- limited' period. The thresholds should remain unchanged and other support measures should be in place rather than removing the delivery of affordable homes when they are most required.

Q18: What is the appropriate level of small sites threshold?

- i) Up to 40 homes**
- ii) Up to 50 homes**
- iii) Other (please specify)**

OTHER – To be determined locally. The majority of sites in Somerset owing to its rural proximity are generally smaller by nature. There are ongoing scheme specific discussions with the SME builders who we continue to support and work with them to resolve viability issues as they arise.

Q19: Do you agree with the proposed approach to the site size threshold?

No. This inhibits the ability to deliver the local evidenced preferred affordable housing tenure. Affordable housing demand is high and continues to increase in response to Covid and will not be met through other future sites.

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We, again as per Q16, welcome the rural area exemption however those areas not covered S157 1985 Housing Act should also be included by amending the definition to include 'all parishes with a population of 3,000 or fewer and all parishes in National Parks and AONB's.

Q20: Do you agree with linking the time-limited period to economic recovery and raising the threshold for an initial period of 18 months?

No, we need the consent to be linked to a delivery timetable. Planning applications could be approved within the 18 months but with 3 years to implement. We would want a recourse mechanism to review the affordable housing if start on site is not undertaken for example within 12 months.

Q21: Do you agree with the proposed approach to minimising threshold effects?

Yes, however we would require further consultation to understand the process and calculation for securing contributions for affordable housing referenced in section 81 of the Changes to the Current Planning System document.

Affordable housing in rural areas

Q22: Do you agree with the Government's proposed approach to setting thresholds in rural areas?

Yes, except the definition of Designated Rural areas need to include all settlement with a population of 3,000 or fewer. This threshold must cover all rural communities. See Question 16 and 19 response.

Supporting SMEs

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Q23: Are there any other ways in which the Government can support SME builders to deliver new homes during the economic recovery period?

Response to be provided at District level through Planning colleagues

Extension of the Permission in Principle consent regime

Q24: Do you agree that the new Permission in Principle should remove the restriction on major development?

Response to be provided at District level through Planning colleagues

Q25: Should the new Permission in Principle for major development set any limit on the amount of commercial development (providing housing still occupies the majority of the floorspace of the overall scheme)? Please provide any comments in support of your views.

Response to be provided at District level through Planning colleagues

Q26: Do you agree with our proposal that information requirements for Permission in Principle by application for major development should broadly remain unchanged? If you disagree, what changes would you suggest and why?

Response to be provided at District level through Planning colleagues

Q27: Should there be an additional height parameter for Permission in Principle? Please provide comments in support of your views.

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Response to be provided at District level through Planning colleagues

Q28: Do you agree that publicity arrangements for Permission in Principle by application should be extended for large developments? If so, should local planning authorities be:

- i) required to publish a notice in a local newspaper?**
 - ii) subject to a general requirement to publicise the application or**
 - iii) both?**
 - iv) disagree**
- If you disagree, please state your reasons.**

Response to be provided at District level through Planning colleagues

Q29: Do you agree with our proposal for a banded fee structure based on a flat fee per hectare, with a maximum fee cap?

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Q30: What level of flat fee do you consider appropriate, and why?

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Q31: Do you agree that any brownfield site that is granted Permission in Principle through the application process should be included in Part 2 of the Brownfield Land Register? If you disagree, please state why.

Response to be provided at District level through Planning colleagues

Q32: What guidance would help support applicants and local planning authorities to make decisions about Permission in Principle? Where possible, please set out any areas of guidance you consider are currently lacking and would assist stakeholders.

Response to be provided at District level through Planning colleagues

Q33: What costs and benefits do you envisage the proposed scheme would cause? Where you have identified drawbacks, how might these be overcome?

Response to be provided at District level through Planning colleagues

Q34: To what extent do you consider landowners and developers are likely to use the proposed measure? Please provide evidence where possible.

Response to be provided at District level through Planning colleagues

Q35: In light of the proposals set out in this consultation, are there any direct or indirect impacts in terms of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations on people who share characteristics protected under the Public Sector Equality Duty?

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If so, please specify the proposal and explain the impact. If there is an impact – are there any actions which the department could take to mitigate that impact?

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