

Sent by email to: planning.policy@sevenoaks.gov.uk

11/01/2023

Dear Sir/ Madam

Response by the Home Builders Federation to the consultation on the Sevenoaks Local Plan 2040

1. Please find below the Home Builders Federation (HBF) response to the consultation on the new local plan for Sevenoaks. The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year.

Policy ST1 – A balanced strategy for growth

Development needs

2. The HBF agrees that 13,566 is the minimum number of the homes the Council should be planning for over the plan period 2022 to 2040. However, it must be recognised that this is the minimum number of homes the Council should be planning to deliver, and it will need to consider whether there are circumstances that indicate housing needs are likely to exceed past trends. Paragraph 2a-010 of Planning Practice Guidance (PPG) notes three examples that the Council will need to take into account but also recognises there will be other situations where housing growth may need to exceed that arrived at using the standard method. In particular the Council will need to consider the need for affordable housing and the impact of out-migration from London and the effects of this on the housing market in Sevenoaks.
3. The Council's interim Sustainability Appraisal (SA) recognises similar issues at paragraph 4.3.13 outlining the need for consideration to be given to going beyond Local Housing Need (LHN) stating that "*in order to more fully meet affordable housing needs local, and also mindful of the risk of unmet housing needs arising from elsewhere in the sub-region*". However, the SA goes on to suggest at paragraph 4.3.16 that that even a modest uplift beyond LHN is arguably unreasonable given the constraints faced by Sevenoaks. Whilst it is important to consider constraints it is also necessary to recognise that in relation Green Belt it



is not necessarily the case that amendments to the boundary will have a significant effect on its aims or purposes or lead to a negative impact on the sustainability of the local plan. As the Council will be fully aware Green Belt is not an absolute constraint on development and should not be given the same degree of significance as a constraint alongside environmental constraints such as SSSIs. The SA must consider any amendments to Green Belt boundaries objectively alongside the positive impacts of new development and whether these support the exceptional circumstances required to make amendments to the Green Belt boundary, an issue we return to below.

4. The SA goes on to recognise in the same paragraph that given the high level of need for affordable housing in Sevenoaks it is reasonable to consider an alternative that delivers above LHN but not to meet the needs of other areas. We would agree. It is notable that there is a significant need for affordable housing in Sevenoaks with 423 such homes required each year to meet needs – over half of the total requirement for new homes each year. The preliminary work on viability indicates that development should be able to viably deliver between 20% and 40% affordable housing, depending on the type of site and its location, and as such the Council will fall well short of meeting the need for such homes. Given that the only way to improve delivery of affordable housing is through the delivery of homes for the open market the Council should examine the sustainability of strategies that will deliver more than the minimum requirements arrived at using the standard method.
5. However, we also consider it important for the Council to consider uplifts in relation to the unmet needs of other areas and the impact these have on the affordability of market housing in Sevenoaks. We would agree with paragraph 2.22 of the Targeted Review of Local Housing Need which notes that it is reasonable to assume that the dominant outflow from London will be sustained and possibly increased over the plan period. London has been failing to meet its needs for some time and the latest London Plan falls short of meeting housing needs by some 140,000 homes between 2019 and 2029. The pressure on areas adjacent to London, such as Sevenoaks, will mean that without sufficient housing the Council will be unable to slow the increase in house prices leading to worsening affordability in what is already one of the least affordable areas of Kent.
6. Additional supply to take account of the unmet needs of other areas would therefore have wider benefits in restricting the growth in house prices, delivering further improvements in infrastructure alongside the delivery of more affordable housing. All these factors should be taken into account in any assessment as to the sustainability of delivering growth beyond minimum requirements and the potential spatial strategies to support such growth.

Housing supply

7. The Council's approach to meeting development needs is based on paragraph 141 of the NPPF and as such is considered to be an appropriate way forward.

However, the expected levels of delivery in the urban area outlined in Table 1.3 of the consultation document indicate that it is inevitable that the Council would have to amend Green Belt boundaries if it is to meet development needs. Whilst the Council will need to approach other Councils to see if they have capacity to support Sevenoaks in our experience few authorities in the south east are willing to help their neighbours meet housing needs. The Council must work with its neighbours but given the lack of co-operation seen across the south east if Sevenoaks is to meet its housing needs the Council should take steps now to examine how it can meet its own needs in full.

8. With regard to the potential supply of homes from brownfield sites the Council has presented three options. The Council will need to be cautious in their estimates as to how many homes can be delivered on brownfield sites. The Council suggest that if they are able to optimise densities in line with option 3, they will be able deliver some 9,146 new homes over the plan period. However, achieving such densities whilst laudable can face challenges when in it comes to decision making. Too often decision makers are less willing to support higher density schemes in spite of local plan policies supporting such development. As such the Council will need to be cautious in their land supply estimates or ensure that there is sufficient buffer in overall supply to ensure needs are met.
9. In addition to PDL sites in the urban area the Council should also examine opportunities for delivering development on PDL sites within the Green Belt. Paragraph 149g. of the NPPF is clear that the development PDL within the Green Belt is not inappropriate and can be supported where it will not have a greater impact on openness, not cause substantial harm to openness and contribute to meeting affordable housing needs. Such sites were identified in the previous local plan and could provide an important source of housing supply that should be considered for allocation. As they would not require Green Belt boundary amendments they should form part of the initial supply considerations prior to considering exceptional circumstances.
10. Even if the Council were to achieve the level of supply expected through option 3 it would still fall well short of meeting needs in full. Therefore, the Council will need to consider, in line with the current NPPF, whether there are exceptional circumstances that would support amendments to the Green Belt boundary in order to meet development needs.

Exceptional Circumstances

11. As the Council note in the Glossary the Government doesn't define exceptional circumstances. Some clarity has been provided through legal judgements such as Calverton Parish Council vs Nottingham City Council¹ and these provide a reasonable starting point for assessing and justifying the case for exceptional circumstances. Broadly the judgement in the Calverton case suggests that

¹ <https://www.bailii.org/ew/cases/EWHC/Admin/2015/1078.html>

consideration of exceptional circumstances should take into account the scale and intensity of the development needs facing an area, the constraints on supply, the impact of not meeting needs and the consequential impact on the purposes of the Green Belt from any amendments to its boundary to support new development. Some aspects of this judgment are in part addressed in paragraph 141 of NPPF the need for LPAs to show that they have looked at all other options before contemplating exceptional circumstances clearly takes into account any considerations as to the inherent constraints on the supply of land.

12. However, in relation to the other considerations outlined in the Calverton judgement the HBF considers that there is sufficient justification to support the amendment of Green Belt boundaries in Sevenoaks.
13. Firstly, the cost of housing in the borough and its affordability to those living and working in Sevenoaks is an indication that the Council should, as a minimum, meet its identified housing need in full. At present the median house price in Sevenoaks is 14 times the median salary in the Borough. Even lower quartile house prices are unaffordable to many being 11 times the median annual salary for the area. Even with two individuals in a household earning median salaries the median house price is 7 times that household's income. Whilst we recognise that house prices in areas such as Sevenoaks are affected by its accessibility to London and the higher salaries available in the capital the failure to increase supply over the years has compounded this issue. Similarly, the need for affordable housing has grown and will continue to grow as the cost of housing increases without additional supply to meet needs. There is clearly an acute shortage of housing in Sevenoaks that would justify amendments to the Green Belt boundary.
14. Secondly, there are consequential impacts of not meeting needs aside from rising house prices. There can be impacts on health from living in overcrowded homes, increased risk of homelessness from those unable to afford accommodation, increased commuting into Sevenoaks as a result of those working in the area being unable to also live there. These wider social and environmental impacts all support the case of green belt boundary amendments and must be considered by the Council in its decision making. In particular they will need to be properly considered through the SA and the impact of not meeting development needs articulated to decision makers.
15. Finally, the Council will need to consider the impact of amending Green Belt boundaries on its purposes. The HBF does not promote specific sites and cannot comment on the impact of specific amendments that might be proposed. However, it is evident from the Green Belt Review that there are areas within the Borough where the harm of amendments will be limited and can be mitigated effectively.

Conclusions on ST1

16. The HBF agrees with the Council's proposed strategy as summarised on page 53. The Council should seek to maximise densities where possible, but it must

recognise that it won't be universally applicable given that the range of caveats set out in the NPPF. If, as we expect, no Council is willing to support Sevenoaks meet its housing need it will also be necessary for the Council to amend Green Belt boundaries if it is to deliver its housing needs in full. There are clearly the exceptional circumstances to support amendments to the Green Belt boundary in order to support development and the Council should ensure development needs are met through such changes.

Policy H1 – Housing Mix

17. The primary consideration in seeking to deliver a mix of housing types and sizes across Sevenoaks will be to ensure a wide variety of sites are allocated across the Borough. In particular the Council should ensure that it seeks to meet a significant proportion of its housing needs through smaller and medium sized sites. Such a strategy will have far greater potential to deliver a wide mix of housing types and style as it will encourage a broader range of house builders to operate within Sevenoaks.
18. The council indicate that proposals should be informed by the latest evidence and references the Targeted Review of Local Housing Needs as the primary source for such considerations. Whilst we recognise that this will form part of the considerations on housing mix the Council should also make it clear within the policy that any specific needs within the local area and any monitoring evidence on the homes delivered should also be taken into account. This ensures that the any considerations do not solely reflect the Targeted Review which is just a snap shot in time across the whole Borough as to what is needed and cannot take into account local circumstances, changes in demand or the type of homes that have been delivered.

Accessible homes.

19. Firstly, it is also likely that the Government will introduce part M4(2) as the mandatory standard, if this is the case then the Council will need to amend this policy to remove reference to Part M4(2) as this would be an unnecessary repetition.
20. The Council are also proposing that 5% of homes in development of 20 or more are designed to meet part M4(3)b of the building regulations and for these to be affordable housing for rent. This is based on assumptions from the English Housing Survey (EHS) regarding households with a wheelchair user and information from a report by Aspire Housing. What is notable is that the data from the EHS shows a significantly smaller proportion of wheelchair users in need than the Aspire report with no indications as to whether either of these are relevant to Sevenoaks. Given that both datasets used are based on national evidence and the data in the Aspire being somewhat dated, some local evidence is needed to support the Council's proposed requirement for wheelchair accessible homes.

Space standards

21. As required by PPG the Council will need to ensure that it has the evidence to support the introduction of the Nationally Described Space Standards. Whilst most housebuilders will deliver homes to meet these standards it must be noted that these can impact on the affordability of some homes and lead to some households not being able to afford a home that meets their needs. For example, some household in need of a four bedroomed home may be able to afford a small four bedroomed home but not one that meets space standards and as such will not have their needs met. We would therefore suggest that if space standards are included that there is some flexibility to allow for well-designed homes below space standards where these meet an identified need for such dwellings.

Policy H2 – Provision on Affordable Housing

22. The Council are still to provide a detailed assessment as to the cumulative impact of all its policies on the viability of development to be delivered through this local plan. Given the increasing build costs due to inflation as well as changes to building regulations that will require, for example, much higher energy efficiency standards it is not possible to say whether the level of affordable housing required is reasonable and the need to deliver mandatory net gains in Biodiversity. This can only be ascertained once the final viability assessment has been undertaken. As outlined in PPG the Council will need to engage with the development industry locally to ensure that the variables it uses in the assessment reflect the actual costs of delivering new homes in Sevenoaks and the values achieved from sales.
23. However, the use of a variable rate based on the type and location of the site being developed is supported. The NPPF is clear in paragraphs 34 and 58 that local plan is the point at which policies are set and that negotiations on these policies should be limited. In order to achieve this principal objective policies in local plans need to be reflective the evidence rather than set aspirational targets that inevitably require negotiation on a site by site basis. However, it is also important to recognise that there will be occasions where sites cannot meet all the policy requirements set out in the local plan and some flexibility is required. This will be particular important given that the policy states that affordable housing should not generate housing costs that are more than 35% gross household income. Given that household incomes are failing to keep pace with inflation this could have a significant impact on the price Housing Associations can pay for new homes and have an increasing impact on the viability of development in the future.

H4 – Housing for Older People

24. The priority for the Council should be to allocate sites that will deliver housing to meet the specific needs of older people rather than rely solely on windfall development to meet these needs. In addition, we would recommend setting out in the policy the number of homes for older people that are required to meet their needs. Whilst we recognise that national policy does not require this, the HBF

does consider that for the policy to be effective it must ensure decision makers are aware of the needs and that where there is a shortfall in meeting these needs these should be taken into account in any decision making.

H6 – Smaller sites

25. The HBF welcomes the support in this policy for the provision of homes on smaller sites. However, this should not distract the Council from seeking to allocate more small sites through this local plan and ensuring that at least 10% of the homes required will be delivered on sites of less than one hectare. Smaller sites are not only essential in ensuring a wider variety of homes come forward by supporting smaller house builders they can also ensure new homes come forward more rapidly.

Policy CC2 – Low Carbon and Climate Resilient Development

26. We note that a number of policies refer to the need to deliver homes to high sustainability standards and contribute to the Council's commitment to Net Zero. It is not necessary to consistently refer to this in separate policies given these are referenced in both CC1 and CC2. The plan must be read as a whole and this repetition is unnecessary and inconsistent with paragraph 16 of the NPPF.
27. This policy requires new development to meet a nationally recognised standards such as Passivhaus or BREEAM as well as meeting the Future Homes Standard as a minimum. Given that the Government has already set out a clear road map to achieving zero carbon ready homes as part of the Future Homes Standard from 2025, not long after the proposed adoption of this plan, the HBF does not consider it necessary or consistent with national policy for the Council to require compliance with alternative standards to those set through Building Regulations.
28. Firstly, the Council must consider section 5 of Planning and Energy Act 2008 which states that energy policies in local plans "... must not be inconsistent with relevant national policy". Secondly consideration must be given to current Government policy which was first established in the Written Ministerial Statement and then reiterated in paragraph 6-012 of PPG. These two statements set out that Council's should not go beyond a 20% improvement on the 2013 building regulations (an improvement equivalent to the long abolished level 4 of the Code for Sustainable Homes. Given that this has now been exceeded by Building Regulations it is evident that the Government's intention is to use building regulations as the main focus for change on this matter and this is further reinforced by paragraph 154b of the NPPF states in relation to greenhouse gas emissions that "... any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards".
29. This would suggest that whilst the Government have accepted some uplifts to technical standard can be made through local plans, they are seeking to deliver major changes to energy efficiency standards through building regulations and not

through local plans. Certainly, it cannot be argued that they are expecting Council's to set standards in excess of the Future Homes Standard which, as stated above, will deliver homes that are zero carbon ready from 2025. As such the Council must follow the Government's position which is that improvements to technical standards moving forward will be addressed through building regulations and not through local plan policies requiring development to meet alternative standards.

30. It is important to recognise that the development of the Future Homes Standard has included and been supported by the house building industry, energy and water providers, bodies such as RSPB and three Government departments. The framework developed will ensure that the transition to zero carbon homes is feasible whilst maintaining house building levels that can address the current housing crisis facing the country. It is therefore considered to be unjustified and inconsistent with national policy to place additional requirements that go beyond building regulations within local plans. It is also unclear as to how the other standards will relate to the Future Homes Standard and whether there are sufficient resources in the Council or independent assessors to monitor the delivery of these standards. Without an adequate means of assessing and monitoring the delivery this policy it cannot be considered to be effective. The HBF therefore recommends the Council refrains requiring development to achieve alternative technical standards regarding energy efficiency.
31. The HBF also considers it to be unnecessary for a separate climate impact assessment to be provided with regard to how the development is designed to address other aspects of this policy. These matters can be adequately addressed within a planning statement which will avoid unnecessary additional reporting and paperwork.
32. The Council are also proposing that this policy will set out requirements for the use low carbon and renewable energy technologies in all developments. It will be important that these are thoroughly tested in the viability assessment but also that the policy is clear that these should only be required where viable and feasible.
33. Finally, with regard to the adaptation measures to ensure development is resilient to the impacts of climate change we would suggest that these are left to the developer to decide rather than for them to be specified in the policy. For example, living roofs and walls can require significant on going maintenance by the home owner and may not be appropriate, or effective, in all circumstances.

DE2 – Design Review Panel

34. The HBF does not object to the use of Design Review Panels and recognise they can be beneficial in supporting well designed development. However, the Council must ensure that the process is only used in relation to strategic scale development to ensure that unnecessary and disproportionate requirements are not placed on smaller developments.

Policy HW1 – Health and Wellbeing

35. The HBF does not consider it necessary for all major housing development to undertake a Health Impact Assessment (HIA). Paragraph 53-005 of PPG outlines that these may be helpful where there may be significant impacts from a development. As such, for the majority of major residential development there is no need for an HIA. In particular there is no need for an HIA for development required to deliver the local plan as the Council should have identified and addressed any health impacts as part of the plan's development. Therefore, any residential development that is consistent with the policies in the local plan should not have any significant unexpected health impacts on the area and not need an HIA.

Policy BW2 – Biodiversity in New Development

36. The HBF does not agree with the proposal for a 20% biodiversity net gain requirement on new development in Sevenoaks. The Government in its response to the consultation on mandatory net gain targets recognised that 10% provided the right balance between ambition and certainty in achieving environmental outcomes whilst also ensuring the deliverability of new development.
37. If the Council do continue with this policy the impact on the viability of development will need to be thoroughly contemplated and tested. In particular, the Council will need to recognise that the cost of delivering BNG will vary considerably between sites and the costs will not be known until the baseline level of biodiversity has been assessed. In some case 20% may be relatively simple to achieve at minimal additional cost; on other sites it may well require a significant level of offsite delivery that could have a significant impact on the viability of development. Therefore, any considerations on viability of BNG will need to ensure there is significant headroom to take account of the site by site uncertainties regarding the cost of delivering BNG.
38. The Council will also need to provide evidence as to why Sevenoaks should require development to deliver beyond the national minimum. The Government considers 10% to be sufficient to ensure that net gains in biodiversity are achieved. In other words, 10% is considered sufficient to address the requirement set out in paragraph 174(d) for development to ensure net gains in biodiversity. It could therefore be argued that a requirement to go beyond the 10% minimum set out in legislation is unjustified and inconsistent with national policy as it is not required to make the development acceptable in planning terms.
39. Rather than require an increase in the level of BNG achieved on site above legal minimums we would suggest that the Council instead work with developers to ensure they can meet the minimum mandatory required by the Environment Act whilst still delivering the number of homes the Council requires. Any decision to

go beyond the minimum 10% should instead be done in agreement with the developer rather than as a requirement through the local plan.

Policy T3 Vehicle parking

40. This policy requires compliance with current Kent County Council parking standards. However, the Council cannot set policy outside of the local plan and as such it cannot require development to accord with guidance. The relevant legislation defining Local Plans and SPDs and their status as policy documents is the Town and Country Planning Regulations (2012). In particular regulation 5(1)(a)(iv) defines a local development document as being one in which includes: "*development management and site allocation policies, which are intended to guide the determination of applications for planning permission*". We would therefore suggest that if the Council wishes to set a standard with regard to parking, then this must be set out in the local plan to ensure that any changes to these standards are considered through the proper process of consultation and examination. If the Council wishes to refer to guidance, then it should be clear that development will need to take account of this guidance but not that it must accord with it.

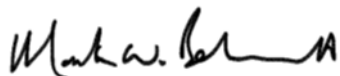
Policy T4 – Electric Vehicle Charging Points

41. With regard to electric vehicle charging points (EVCP) the Council will be aware that the Government introduced mandatory standards for charging points in part S of the Building Regulations from June 2022. These standards set out requirements for the installation of Electric Vehicle Charging Points (EVCP) for every new home with associated parking within the site boundary as well as the expected technical standards for EVCPs. Therefore, it will not be necessary for the further standard to be set out in local plans with regard to residential development.

Conclusions

42. We hope these representations are of assistance in taking the plan forward. Should you require any further clarification on the issues raised in our comments please contact me.

Yours faithfully



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