

Home Builders Federation

ID: 2007

Issues 6, 7, 16

SEVENOAKS LOCAL PLAN EXAMINATION

Issue 6: Housing

Affordable Housing

Q423. Does the Local Plan make appropriate provision for affordable housing?

No. In failing to meet the housing needs for the area the Council will also restrict the supply of affordable homes that are required. The Council acknowledge that it cannot meet the need for affordable housing required each year but has then failed to take this into account within its consideration of the exceptional circumstances. As we have set out in previous statements the Council has not taken a sound approach to its consideration of Green Belt boundaries and the exceptional circumstances required to amend these boundaries. The consequences of this approach are not only that the Council will fail to meet housing needs but will also limit its ability to deliver affordable housing – a key issue in an area with such poor affordability. The very fact that the Council are also failing to meet needs is likely to mean housing will become less affordable rather than more affordable and lead to the need for more affordable housing. We would suggest, as we have in previous statements, that the Council must meet need and that the affordability of housing and the need for more affordable homes are sufficient justification for amending Green Belt boundaries in order to bring forward sustainable development sites.

Q424. Do the requirements of Policy H2 in respect of the provision of a financial contribution towards Affordable Housing from small developments of 6-9 dwellings accord with national planning policy? [paragraph 2.27]

No. The Council have decided to ignore paragraph 63 of the 2019 NPPF and will require small sites of between 4 and 9 units to make a financial contribution toward affordable housing provision. As we state in our representations, when considering the appropriateness of including such a policy it is worth reiterating why the Government introduced this particular policy. The Ministerial Statement is clear that the reason for introducing this policy was to “*ease the disproportionate burden of developer*



contributions on small scale developers". This is distinct from whether or not such development is viable in general but whether they are a disproportionate burden on a specific sector that faces differential costs that are not reflected in general viability assessments. These costs have led to a reduction in the number of small and medium (SME) sized house builders. Analysis by the HBF¹ shows that over the last 30 years changes to the planning system and other regulatory requirements, coupled with the lack of attractive terms for project finance, have led to a long-term reduction of total SME house builder numbers by about 70% since 1988. The Government is very anxious to reverse this trend and increase the number of small businesses starting up and sustaining this activity. Improving business conditions for SME home builders is the key to long-term supply responsiveness.

We cannot find any evidence to show that the policy will not be a disproportionate burden on smaller developers and as such it should be deleted. We continue to consider that such policies be a burden to SME house builders and in particular to new entrants into the market. Rather than seek to collect planning contributions from smaller developers that will have a limited impact on the delivery of affordable housing the Council should allocate more development sites that will actually deliver more affordable homes.

Q425. Is Policy H2 consistent with national policy in the NPPF on affordable housing?

The 2019 NPPF makes some significant amendment in the approach to be taken when considering the viability of development in an area. The emphasis on the testing of viability is now placed squarely within the preparation of the local plan. This is set out in paragraph 34 and 57 of the NPPF and the assumption is that an application that conforms with policy must be considered viable. The expectation from Government is that negotiation with regard to viability and the delivery of affordable housing will not be widespread. This position is set out in paragraph 10-002 of PPG which states:

"Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision-making stage." (Our emphasis)

As such where there is a risk that development could be made unviable by the level of obligation expected by the Council then policy should reflect this position. To some extent the Council have responded to this situation with a differential rate being set by the Council in policy H2. However, we note that in the appendix to the viability study (ECO006) many the scenarios for previously developed land in lower value areas (VL1 to 4) show that a 30% affordable housing requirement is either unviable or at the margins of viability. If the Council is expecting to deliver more development at higher densities in its urban areas it will need to ensure all sites, even in lower value areas,

¹http://www.hbf.co.uk/?eID=dam_frontend_push&docID=25453&filename=HBF_SME_Report_2017_Web.pdf

are deliverable without the need for site by site negotiations and not at the margins of viability. In order to ensure compliance with national policy we would suggest that the affordable housing policy is amended to reflect the evidence and reduce the level of affordable housing contributions on previously developed land in lower value areas.

Q426. Should Policy H2 include a provision for social rented housing in developments over a certain size?

No comment.

Q427. Is the wording of Policy H2 sound? Would it be effective given the use of the words 'to the satisfaction of the Council'? Housing Mix [Policy H1] Q428. Does the Local Plan meet the housing needs of different groups within the District?

No comment.

Housing Mix

Q429. Is the housing mix included in Policy H1 justified and based on local housing need?

We do not have any concerns with the approach taken by the Council in understanding the mix of homes required to meet needs across the Borough, but they should not be used to dictate delivery on a site by site basis. Therefore, the inclusion of the table within policy is overly prescriptive and could prevent delivery of sites in areas where there is limited demand for the full range of property types indicated in policy H1. In particular it could prevent smaller sites from coming forward where localised demand for the type of housing will dictate what can be built. House builders are best placed to understand the market for housing in an area and the homes the people want to buy, and Council's should provide the framework within which they can meet those needs not dictate borough wide needs on a site by site basis. We would recommend that the table be included in the supporting text and that the policy be amended to require development to have regard to the overall mix required for the Borough.

Optional Technical Standards

Q434. Can the requirement that new build housing development will be expected to meet the optional technical standard M4(2) for accessible and adaptable dwellings in Policy H1 be justified?

The Written Ministerial Statement published in March 2015 stated that "The optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need ..." This position has since been recognised in the 2019 NPPF with footnote 46 in paragraph 127 stating: "Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties".

However, whilst we recognise that some new homes should be built to the part M4(2) and M4(3) we remain of the opinion that that Council has not clearly evidenced the need for all new homes to be provided to the optional part M4(2) of the building regulations. The Council suggest in paragraph 2.11 that there is strong local evidence in the SHMA and Local Housing Needs Survey to suggest that all new homes should be constructed to part M4(2). We would agree that there is an ageing population and that as such the proportion of the population that will have a long-term health problem or disability is likely to increase. However, what we do not consider the Council to have clearly evidenced is the proportion of this cohort who will require a house that is built to part M4(2) or higher.

It is important to note that the majority of the growth in older people will result from the ageing of the existing population not people migrating into the area. If they require adaptations, they are more likely to have these to be made their current home rather than seek to move to a new property. This is a situation that is broadly reflected in the English Housing Survey last published data on the need for more accessible homes in 2016². This data outlined that 9% of households in the UK require some form of adaptation but of those households and that where an adaptation was required 81% considered their current home to be suitable to meet their needs. The survey found that only about 10% of those in need of adaptations had to move to find more suitable accommodation to address their housing needs. Whilst we recognise that these are figures from a national survey it shows that the number of households who actually have to move in order to meet their needs is relatively small.

This evidence also provides an indication that the majority of adaptations that are required to home as people get older can be made to most homes, even those built prior to the existing mandatory Building Regulations for accessibility Part M4(1). Given that all new homes will be built to part M4(1), which will ensure reasonable provision for most people with a long-term illness or disability to approach and enter the dwelling and to access habitable rooms and sanitary facilities on the entrance storey we do not consider the Council to have provided the clear evidence necessary to require all new homes to be built to the higher part M4(2) standard. If the Council wishes to include a policy with regard to the delivery of accessible homes it will need to be proportionate and based on clear evidence of the need for such homes.

Issue 7: Is the Local Plan positively prepared, justified and effective in respect of transport and infrastructure?

Q460. Is Policy T1 effective given that it requires ‘the number of electric points to be provided at the discretion of the Council’?

No. Policy requirements such as those for electrical vehicle charging point must be set out within the plan and not be left to the discretion of the officer determining the policy

² www.gov.uk/government/statistics/english-housing-survey-2014-to-2015-adaptations-and-accessibility-of-homes-report

or be left to supplementary guidance. Such an approach provides a significant degree of uncertainty as to the Council's position that not only makes the policy ineffective but also inconsistent with paragraph 16d) of the NPPF which states that local plans should contain policies that are "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals". As currently written this policy does not meet that fundamental test. Policy

Does Policy T1 defer important policy matters relating to vehicle parking, including cycle parking, in new residential and non-residential developments, to other policy documents, including the current KCC vehicle parking standards in Interim Guidance Note 3 to the Kent Design Guide (or any subsequent replacement). Having regard to Regulations 5 and 6 of the Town and Country Planning (Local Planning) (England) Regulations 2012 should these matters be included in the Plan?

Yes. The level of parking provision required by a development can have a fundamental impact on the scale, nature, and viability of development. As such any changes to those requirements must be undertaken as a partial review of the local plan. The use of the KCC guidance would allow these standard to be amended without appropriate consultation or scrutiny and as such they must be included within the local plan itself or the polciy change to state that applicants should have regard to this guidance rather than accord with its advice.

Issue 16: Is the Local Plan justified, effective and consistent with national policy in respect of design?

Q519. Does Policy EN1 defer important policy matters relating to design, in respect of the design criteria to be considered in respect of character and the Design Review Panel Process, to SPDs and other design guidance documents? Having regard to Regulations 5 and 6 of the Town and Country Planning (Local Planning) (England) Regulations 2012 should these matters be included in the Local Plan?

We do not consider the use of design review panels to be an effective approach. The process inevitably increases the costs and increases the likelihood that a scheme will be delayed. Aside from these broader concerns the Local Plan states that the SPD will set out the type of sites that will be subject to the design review process. Considering the expectation that the Council will expect the developer to pay for this process and it will be part of the decision making process it is important that the Council set out in policy the type of development that will be expected to go through this process to ensure that this can be tested through the examination in public.

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