



Surrey Heath Borough Council
Surrey Heath House
Knoll Road
Camberley
Surrey GU15 3HD
01276 707100
DX: 32722 Camberley
www.surreyheath.gov.uk

Service Regulatory
Our Ref: N/A
Your Ref: N/A
Direct Tel: 01276 707222
Email: kate.baughan@surreyheath.gov.uk

Planning Policy Consultation Team
Department for Communities and Local Government
3rd Floor Fry Building
2 Marsham Street
London
SW1P 4DF

BY EMAIL

[Insert Date]

Dear Sirs,

RE: CONSULTATION ON PROPOSED CHANGES TO NATIONAL PLANNING POLICY

Thank you for the opportunity to respond to the above consultation. Surrey Heath Borough Council has now had the opportunity to consider the proposals and has the following comments to make.

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?

Although the principle of amending the definition of affordable housing to include a broader range of products is supported in principle, Surrey Heath Borough Council would take this opportunity to raise concerns that the amendment of the national planning policy definition of affordable housing to include products that do not have 'in perpetuity' restrictions or that do not recycle subsidy will undermine the Councils' ability to meet the development needs of the area (NPPF Para.14) and to plan for a mix of housing that meets needs of different groups in the community (NPPF Para.50).

More specifically, such an amendment could compromise the capacity of the Council to support the delivery (where appropriate) of sub-market rented homes which are essential for low income families and households excluded from work due to long term illness or disability. The Council may also struggle to discharge its duty to homeless households. Many such households are currently excluded from any form of homeownership and need the safety net of an affordable rented home, particularly in Surrey Heath where an income in the region of £60,000 per annum is required to purchase one of the cheapest properties within the Borough.

In the event that DCLG is still minded to make such an amendment to the definition of affordable housing, it is strongly advised that time-limited products be classed as intermediate products. This will ensure that the balance between rented and intermediate homes identified by Councils within Local Plans is not distorted and will allow the Authority the best opportunity to continue to deliver affordable housing in accordance with evidenced local need.

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?

Notwithstanding the concerns expressed above in respect of whether, following changes to the definition of affordable housing as set out within national planning policy, the Authority will be able to meet the needs of households excluded from work due to long term illness or disability, we have no further comments to make.

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?

Surrey Heath supports the principle of increasing residential density around commuter hubs. Notwithstanding this, it is considered that part 'b' of the definition of a commuter hub is somewhat unclear. Surrey Heath Borough Council would also raise concerns with the reference to places which 'could' have a frequent service in the future. Were this to remain within the definition, high levels of development may be encouraged in locations which may not ultimately benefit from a frequent service. In mind of this, Surrey Heath would suggest the definition be revised to read:

"a commuter hub is a public transport interchange (rail, tube or tram) which benefits from a frequent service and where people can board or alight to continue their journey by other public transport or on foot"

Any such growth locations should have fully funded infrastructure requirements in place.

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

Surrey Heath Borough Council has no further suggestions for proposals to support higher density development around commuter hubs through the planning system.

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?

It is agreed that the Government should not introduce a minimum level of residential densities for areas around commuter hubs. Development should reflect the character of an area and should not have a detrimental impact on existing communities.

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?

It is agreed that national planning policy should provide greater policy support for new settlements in meeting development needs; however any additional policy support should seek to ensure that any new settlement is capable of providing sufficient infrastructure to meet the needs of the new settlement without detriment to existing communities.

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?

Existing national and local planning policy is already exceptionally supportive of the principle of the redevelopment of brownfield sites (under the presumption in favour of sustainable development), whilst allowing a suitable degree of flexibility to resist schemes where there are overriding conflicts with the Local Plan or NPPF that cannot be mitigated. On consideration of the existing policy and the limited information provided on how the policy would be strengthened, Surrey Heath Borough Council does not currently consider that it would be beneficial to strengthen policy on development of brownfield land for housing.

Notwithstanding the above, if DCLG is still minded to strengthen policy on development of brownfield land for housing, it should ensure that there is no detrimental impact on the ability of communities to comment on schemes and that land in operative economic use is not lost through the process.

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?

Existing national and local planning policy is already exceptionally supportive of the principle of the redevelopment of brownfield sites of any size (under the presumption in favour of sustainable development), whilst allowing a suitable degree of flexibility provided to resist schemes where there are overriding conflicts with the Local Plan or NPPF that cannot be mitigated. It should be noted that smaller sites are often more constrained, owing to their size and the nature and proximity of surrounding uses; as such, schemes on smaller sites often require careful assessment. It is not envisaged that an additional Policy specifically for smaller brownfield sites would bring any further certainty to the decision making process without risking the approval of inappropriate schemes.

The Council would also take this opportunity to raise concerns with respect to the Government's intention to make clear that proposals for the development of small sites immediately adjacent to the settlement boundary should be supported where sustainable. Settlement boundaries have been carefully established through the Local Plan process; such an approach would undermine the purpose of defined settlement boundaries and devalue the Local Plan process. It should also be recognised that the cumulative impact of such an approach could sanction the unplanned and unwelcome sprawl of settlements beyond their

planned boundaries. This could be particularly detrimental for settlements inset within the Green Belt, where Local Authorities have taken great care to define clear, readily recognisable boundaries that will not need to be altered at the end of the development plan period (NPPF Para.85). In the event that such boundaries are eroded, the Green Belt itself could be undermined, with Authorities needing to revisit the question of whether land on the rural/urban cusp continues to meet the purposes of the Green Belt (Paragraph 80) on a regular basis.

It is not considered that the introduction of a policy supporting the development of small sites for housing would have any significant impact upon how the Council's five year land supply is calculated.

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?

Surrey Heath has no comments to make in respect of the Government proposal to define a small site as a site of less than 10 units.

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?

The Council does not agree that national planning policy should require local planning authorities to put in place a specific positive local policy for assessing applications for development on small sites not allocated in the Local Plan. As noted above, existing national and local planning policy is already exceptionally supportive of the principle of the redevelopment of brownfield sites of any size (under the presumption in favour of sustainable development), whilst allowing a suitable degree of flexibility provided to resist schemes where there are overriding conflicts with the Local Plan or NPPF that cannot be mitigated. Introducing such a requirement may bring further complexity to the existing Policy context.

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?*

It is agreed that the baseline against which delivery is considered should be data within Authority Monitoring Reports against Local Plan targets, with assessment made over a five year period.

In respect of steps that should be taken in response to significant under-delivery, Surrey Heath Borough Council considers that it will be essential to identify the root cause of under-delivery so that measures can be tailored accordingly. Causes of under-delivery will undoubtedly vary from place to place and in many instances may be linked to factors outside of the planning process. As such, it is not considered that a 'one size fits all' approach to addressing significant under-delivery will yield success in all cases.

Concern is particularly expressed in relation to the suggested approach set out within Paragraph 33 of the consultation document, which proposes that Councils identify additional sustainable sites, potentially through a new AAP or a partial or complete Local Plan review, in response to significant under-delivery. The success of such an approach would be reliant upon the allocation of sites being the issue in itself, Councils having the resources to undertake the necessary work and additional sites being deliverable. For Authorities where planning permissions have been granted but are not being built out, or where land availability is the root cause of significant under-delivery the allocation of additional sites will not have any significant impact. Above all, it should be remembered that the Local Plan is not a delivery document; allocating additional sites does not guarantee that they will be delivered.

It is thus strongly suggested that the 'housing delivery test' be re-purposed to identify why, as well as where significant under-delivery may be occurring. Once the Government has been able to identify overarching issues giving rise to significant under-delivery, targeted proposals can be developed that are more likely to succeed in addressing significant under-delivery.

In respect of how the Authority sees this approach working when housing policies in the Local Plan are not up-to-date, we note that non-demonstration of a five year housing land supply makes a local plan out of date. The ability to demonstrate a five year housing land supply can change on a day to day basis – this creates an exceptionally uncertain planning environment for Local Authorities, the public and developers alike and detracts from the overall aim of delivering housing. Surrey Heath Borough Council would suggest that this could be addressed by taking housing numbers and supply outside of the Local Plan and into a separate document that is more flexible and responsive to changing circumstances. Local Plans should deal with the spatial approach to delivery. This would help speed delivery of both Local Plan and would remove some of the barriers to delivering housing.

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

In its proposed form, it is not envisaged that a housing delivery test would have any significant impact upon housing delivery.

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?

It is considered that an Employment Land Review would, in combination with annual monitoring, be the best vehicle to justify the retention of land for commercial use. Although Surrey Heath Borough Council would broadly support the principle of requiring Local Authorities to adopt a policy with a clear limit on the length of time that a commercial or employment land should be protected if unused, it is considered essential that land within designated Employment Areas are safeguarded and that the marketing evidence requirements to justify the loss of commercial land are sufficient to allow a robust assessment to be made of any proposed loss.

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 Council does not agree that the starter homes exception site 'policy' should be extended to unviable or underused retail, leisure and non-residential institutional brownfield land. This may affect the Councils capacity to secure schemes that meet the full development needs of the area.

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

The 'starter homes exception policy' is set out within a Ministerial Statement, Planning Practice Guidance, and a separate Guidance note. It is not set out within the NPPF. It is suspected that this may give rise to confusion in respect of the status of the 'Policy'. This should be rectified. Notwithstanding the rationalisation of the existing Policy within the NPPF and Planning Practice Guidance, no further steps should be taken to strengthen the starter homes exception site policy as this may affect the Councils capacity to secure schemes that meet the full development needs of the area. If the interpretation of this 'policy' has created uncertainty for applicants, it is suggested that pre-application discussions with determining authorities are pursued.

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

Surrey Heath does not consider that starter homes should form a significant element of any housing component within mixed use developments and converted unlet commercial units; this should remain at 20% so that the Council can continue to strive to meet the full development needs of the area.

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?

Surrey Heath does not consider that rural exception sites should be used to deliver starter homes in rural areas. This aspect of Planning Policy seeks to make an exception from normally restrictive housing policy in order to allow the provision of affordable housing 'in perpetuity' in locations where access to affordable market housing is, and is likely to continue to be, extremely limited. Starter Homes are not an 'in perpetuity' product and as such, the benefit they hold for rural communities will undoubtedly be very limited, with no capacity to meet affordable housing needs into the future. It is also suggested that the provision of starter homes on rural exception sites is likely to reduce opportunities to provide other 'in perpetuity' products in locations where they are most needed.

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

Surrey Heath Borough Council has no further suggestions in respect of other policy approaches to delivering starter homes in rural areas.

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

Surrey Heath Borough Council does not consider that small scale starter home developments should be allocated in the Green Belt (irrespective of the initiating party) unless allocation is preceded by an appropriate Green Belt Review. Current Green Belt policy is generally robust and well established. In line with current Policy, it is unlikely that the provision of starter homes (as time-limited affordable housing products) would constitute very special circumstances by which harm to the Green Belt could be outweighed. To broaden the scope of Green Belt Policy in order to sanction the erection of starter homes on greenfield Green Belt sites would represent a significant erosion of well-established Planning Policy and would undermine the purposes of the Green Belt as defined in Paragraph 80 of the NPPF.

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?

Surrey Heath Borough Council generally supports the principle of using brownfield sites within the Green Belt more efficiently, but would suggest that any amendments to policy should remain sufficiently flexible as to allow sites to be assessed on a site-by-site basis.

Transitional arrangements

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

The principle of putting in place transitional arrangements to allow local authorities to review their affordable housing policies is supported in principle. However the suggested transitional period of 6 – 12 months is considered to be too short to carry out the necessary evidence gathering, consultation and associated administration that even a partial review would necessitate. Furthermore, it is recognised that if undertaking a partial review of Local Plan policies, Authorities will need to ensure that relevant and up to date evidence underpins the Policies that are not proposed to be changed; such a requirement is likely to be extremely time consuming and may ultimately lead to many Councils having to undertake full reviews of their Plans. This would undoubtedly take longer than 1 year. Surrey Heath would also question whether the Planning Inspectorate would have adequate capacity to deal with a significant increase in the number of partial reviews arising from the proposals.

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?

Surrey Heath Borough Council has no comments to make in respect of the assumptions and data sources set out within the consultation document.

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?

Surrey Heath Borough Council has no other views on the implications of the proposed changes to national planning policy on people with protected characteristics as defined in the Equalities Act 2010.

Yours sincerely,