

Taunton Deane Borough Council

Community Scrutiny Committee 27 April 2017

Proposed Response to Housing White Paper

This matter is the responsibility of Executive Councillor Roger Habgood

Report Author: Nick Bryant, Planning Policy Manager

1 Executive Summary / Purpose of the Report

- 1.1 This Report sets out a summary of the proposed changes to Planning and to a lesser extent Housing policy expressed through the recently published Housing White Paper. It has been put together with contributions drawn from Strategy, Enabling and Planning Officers, all of whom have contributed towards the proposed consultation response included at Appendix B.
- 1.2 The White Paper emphasises the importance of the Plan-led system as the basis against which decisions about where and how much housing can be permitted. Measures are proposed which should help to streamline the process of plan-making to make it quicker (including a standardised methodology to calculating housing requirements) and greater flexibilities are proposed about how plans are prepared.
- 1.3 There is a strong emphasis on delivery with greater sanctions potentially applied to local authorities that fail to meet housing targets (despite the fact that generally it will not be the local authority constructing new houses). There are some measures that may encourage housebuilders to build more quickly and Councils could take into account likely build out rates and phasing as well as a developer's previous 'track record' of delivery in determining whether to grant planning permission or not.
- 1.4 A stronger role for small and medium-sized housebuilders is recognised. The Government is also keen to accelerate the delivery of housing through improved construction techniques. A further key measure is that 10% of affordable housing is proposed for affordable home ownership.
- 1.5 The Council's proposed response will focus upon those areas in which officers perceive the Council will be most affected. This will then be signed off by the Portfolio Holder for Planning and Transportation and submitted ahead of the consultation deadline of 2 May.

2 Recommendations

- 2.1 That the Community Scrutiny Committee notes the contents of this Report and endorses the proposed consultation response enclosed at Appendix B.

3 Risk Assessment (if appropriate)

Risk Matrix

Description	Likelihood	Impact	Overall
<i>Risk: That the Council's perspective is not put across through the consultation resulting in an opportunity to influence proposals being missed.</i>	3	3	9
<i>Residual risk after proposed mitigation: Of course there remains a chance that the Council's comments will not result in changes being made to the proposals but at least the issues will have been raised.</i>	1	3	3

Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
			Impact				

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

4 Background and Full details of the Report

- 4.1 The Government published its Housing White Paper in early February 2017 (Appendix A). The paper sets out a number of key measures which are designed to ensure that housebuilding is boosted significantly nationally. The document is structured into four parts, namely:
- Planning for the right homes in the right places;
 - Building homes faster;
 - Diversifying the market; and
 - Helping people now
- 4.2 This report is in two sections, section one sets out the key proposed measures against the four parts outlined above with some commentary on possible implications for Taunton Deane Borough Council while section two sets out a proposed consultation response to the questions raised in the White Paper itself. Officers from Enabling, Strategy and Planning Policy have helped put together the summary of proposals, officer comments and proposed response (set out in Appendix B)

Planning for the right homes in the right places

Getting plans in place (summary of key proposals):

- 4.3 Central to the reforms is a reaffirmation that housing growth should be driven by an up-to-date and 'sufficiently ambitious' local plan. Government was already proposing to legislate through the emerging Neighbourhood Planning Bill making clear the need for Local Plans. The White Paper confirms Government will intervene to ensure plans are put in-place, regulations will clarify a requirement for local plans to be reviewed at least every five years. A standardised approach to dealing with the duty-to-cooperate (the way local planning authorities are expected to engage with one another on cross-border strategic issues like housing) is also proposed.
- 4.4 Recent Government thinking has been that Local Planning Authorities should prepare a singular Local Plan and this is emphasised by the National Planning Policy Framework (The Framework). The White Paper, however recognises the importance of flexible and responsive plans, this is more akin to the Labour Government of the early 2000s 'Local Development Framework' approach under which Taunton Deane's development plans have been produced.
- 4.5 A standardised methodology for assessing housing requirements is proposed. This follows an earlier study by a Government-appointed 'Local Plans Expert Group'. A consultation on this methodology is expected shortly. Where plans are considered out-of-date it is proposed this standardised methodology would be used to form the baseline of five year housing land supply requirements.

Getting plans in place (officer comments):

- 4.6 Taunton Deane has a very strong track record of development plan delivery. It has adopted three development plans in the last decade as well as introducing the Community Infrastructure Levy. It is important however that development plan preparation continues to be prioritised and this will include a review of strategic policies set out in the Core Strategy which was adopted nearly five years ago (September 2012).
- 4.7 Reference to a more flexible approach to plan preparation is a positive change because it will enable the Council to consider whether it wishes to consolidate all its development plans together (the current Taunton Town Centre Area Action Plan, Core Strategy and Site Allocations and Development Management Plan). Officers suggest fast-tracking a Garden Town Plan for Taunton in response to this change of Government direction.
- 4.8 Clearly the Council will wish to reserve judgment on the standardised methodology used to calculate housing requirements until it has seen it. The principle should be welcomed if it leads to a more transparent, consistent and proportionate approach to identifying housing requirements.
- Making enough land available in the right places (summary of key proposals):
- 4.9 Amendments to The Framework are proposed these would include a strong underlying commitment to meeting housing needs in full unless other Framework policies provide strong reasons for doing otherwise. A greater emphasis on the use of brownfield land within settlements is proposed with a presumption that such land is suitable for housing unless there are clear and specific reasons to the contrary.
- 4.10 The Government has previously stated an ambition to see surplus public land released for housing with an estimated capacity of circa 160,000 new homes. Beyond this it is proposed that authorities could dispose of land with planning permission they have granted themselves. Flexibilities to dispose of land at less than best consideration are also proposed. There is also support for estate regeneration with LPAs encouraged to consider the social and economic benefits; using their planning powers to help deliver regeneration to a high standard.
- 4.11 The White Paper seeks to reinforce the provision of small and medium-sized housing sites. This will be achieved through changes to The Framework that will require LPAs to include policies on small windfalls and to attach 'great weight' to using small undeveloped sites within settlements. Other measures related to this aim include providing stronger support for affordable housing for local people, a requirement for at least 10% of sites allocated in local plans to be less than 0.5ha and encourage developers to sub-divide large sites. The use of LDOs to bring forward small sites is also encouraged.
- 4.12 Amendments to Neighbourhood Planning would see Neighbourhood Plan Groups being able to request a housing requirement figure from the LPA while

further funding will be available to NPGs over the period 2018-2020. There is a much stronger commitment to good design with policies in Local and Neighbourhood Plans setting out clear expectations and the use of widely accepted standards such as Building for Life.

- 4.13 Building standards may be simplified and rationalised and Government will consult on higher environmental standards if evidence suggests such standards can be met without making homes less affordable for those who want to buy their own home.
- 4.14 There is a stronger commitment to building at higher densities, particularly around urban locations such as public transport hubs, this will be achieved through changes to The Framework. Minimum space standards will be revisited, it appears the Government is concerned that a blanket approach is too inflexible although reference is made to avoiding a 'race to the bottom'.

Making enough land available in the right places (officer comments):

- 4.15 Taunton Deane has historically sought to operate a brownfield-first approach to new development; it was partly for this reason that it prioritised production of the Taunton Town Centre Area Action Plan (TTCAAP) ahead of its Core Strategy. Notwithstanding the fact that the allocations in the TTCAAP need to be reviewed, irrespective of the White Paper the Council would wish to maximise the contribution these sites can make to meeting the need for development land.
- 4.16 Taunton has also been designated by Government as a 'Station Hub': this designation looks to maximise the scope for new housing in and around the Railway Station on publically owned land. There will of course be some brownfield land that is not suitable for housing and so the exemptions still to be specified by Government will be important to ensure sustainable development and that land which might otherwise go to job-generating uses is not lost.
- 4.17 Historically small sites (less than 10 dwellings) make up a considerable part of the housing land supply in Taunton Deane. Over the period 2005/6 – 2015/16 they accounted for an average of 278 new homes per annum from an overall average of 532 completions. This suggests that such sites in Taunton Deane at least come forward and will continue to come forward without the need for formal allocation through the Local Plan something that will create unnecessary, time-consuming additional work.
- 4.18 The commitment to the importance of good design is to be welcomed, LPAs need to feel empowered in making decisions on planning applications informed by Local Plan policies and the strong hooks in The Framework. The adopted SADMP includes a suite of detailed design policies which on the basis of the White Paper would be accorded significant weight should they be challenged at appeal.

- 4.19 The Taunton Station Hub presents an opportunity to not just improve the Railway Station environs but also increase the massing of buildings in this part of the town and deliver significant amounts of new housing. Masterplanning work on key sites will need to respond to the provisions set out in the White Paper.
- 4.20 The reference to reviewing National Minimum Space Standards is a little unfortunate not least because the Council has only very recently (through the SADMP) adopted the current National Standards as its own. In view of the fact members were previously very supportive of the introduction of standards in Taunton Deane, any move which saw the SADMP policy rendered out-of-date may frustrate the Council's aspirations.

Building homes faster

Providing greater certainty (summary of key proposals):

- 4.21 The White Paper includes provisions for fixing the LPA's five year housing land supply on an annual basis with a margin of 10% included. This position would be agreed by the Planning Inspectorate although precisely the extent to which the Inspectorate would probe the 5 year supply remains to be determined.
- 4.22 Planning fees will be increased by 20% nationally from July 2017 where LPAs commit to invest the additional fee income in planning departments. The Government are also minded to allow a further increase of 20% for those authorities who are 'delivering the homes their communities need', this will be consulted upon in due course. Reference is also made to a new £25m fund for helping ambitious authorities in areas of high housing need to plan for new homes and infrastructure. There will also be a consultation on introducing a fee for making planning appeals.

Providing greater certainty (officer comments):

- 4.23 While the idea of fixing the five year land supply is appealing; it would after all curtail much of the debate that accompanies speculative planning applications, the proposal would be extremely resource intensive. In effect, something resembling a mini appeal or development plan examination would be held each year. When the work required to inform this process is factored in, it would seem likely that in order to present a credible and coherent case, there would be considerable resource implications for such a change. This may outweigh the benefit of 'fixing' the five year supply.
- 4.24 Taunton Deane Borough Council has already written back to Government indicating it wishes to increase its fees by 20%. The Council will continue to investigate the scope to bid into capacity funding, we have of course been successful in achieving Garden Towns status for Taunton in the recent past.

Ensuring infrastructure is provided in the right place at the right time (summary of key proposals):

4.25 The Government will be inviting bids to its new £2.3bn Housing Infrastructure Fund; this will be targeted at the areas of greatest housing need. The fund is capital grant with monies to be spent on delivering infrastructure projects over the next four years.

4.26 There is a strong commitment to digital infrastructure, this will include a forthcoming consultation on requiring LPAs to prepare planning policies setting out how high quality digital infrastructure will be delivered in their area.

Ensuring infrastructure is provided in the right place at the right time (officer comments):

4.27 It is likely that the Housing Infrastructure Fund will present an opportunity for Taunton Deane to bid for funding to ensure the upfront funding of critical infrastructure. In view of viability issues raised at Staplegrove and Comeytrowe, it will be important that the Council uses the IDP and evidence base from the SADMP and Core Strategy as well as other more recent intelligence to inform future submissions. Garden Towns status will mean Taunton has a higher profile in any bidding process than perhaps would otherwise have been the case.

Supporting developers to build more quickly (summary of key proposals):

4.28 Most of the measures under this section are relatively minor. They centre on potential for streamlining the process for imposing and discharging conditions. A new strategic approach to licencing for Great Crested Newts will be rolled out.

4.29 The Government will examine the options for reforming the system of developer contributions, this may replace CIL. A CIL Review Group was established in November 2015 and its findings have now been published. It is unclear whether the Group's key recommendation: that CIL should be replaced with a hybrid system of a broad and low level Local Infrastructure Tariff (LIT) and s.106 for larger developments will be implemented in full. An announcement will be made through the Autumn Statement.

Supporting developers to build more quickly (officer comments):

4.30 It is likely that the Housing Infrastructure Fund will present an opportunity for Taunton Deane to bid for funding to ensure the upfront funding of critical infrastructure. In view of viability issues raised at Staplegrove and Comeytrowe, it will be important that the Council uses the IDP and evidence base from the SADMP and Core Strategy as well as other more recent intelligence to inform future submissions. Garden Towns status will mean Taunton has a higher profile in any bidding process than perhaps would otherwise have been the case.

Holding developers and local authorities to account (summary of key proposals):

4.31 The Government wishes to see greater transparency around the timing and pace of delivery of new housing. Information will be available to LPAs in planning to meet their housing needs. DCLG will publish data on delivery against housing

targets in Local Plans, and subject to further consultation, there is a proposal to require large housebuilders to publish aggregate information on build out rates.

- 4.32 LPAs will be encouraged to consider how realistic it is that a site will be developed when deciding whether to grant planning permission. In addition, Government is consulting on whether an applicant's previous track record of delivery should be taken into account in determining applications. Consideration is also being given to shortening the timescales for implementing planning permission from 3 years to 2 except where doing so could hinder scheme viability or deliverability. New guidance will also be prepared on the use of Compulsory Purchase Order powers to support build out of stalled sites.
- 4.33 A new housing delivery test is proposed which will for the first time hold LPAs to account not just for the supply of housing land which they maintain through the granting of planning consents and allocations in Local Plans but also against the number of homes actually built. The assessment period will be a rolling three year average (first period April 2014 – March 2017). From November 2017 if delivery falls below 95% of annual housing requirements local authorities should publish an action plan, if delivery is below 85% a 20% buffer should be added to five year supply requirements. It is envisaged that much like other Government-applied thresholds, these thresholds would increase over time.
- Holding developers and local authorities to account (officer comments):
- 4.34 Greater transparency around delivery is to be welcomed. It will make it easier to understand where and how quickly new homes are being built. It is less clear how empowered LPAs would feel using information about a developer's track record on delivery and planned build out to inform planning decisions. Such a change would require a strong basis in planning policy through The Framework.
- 4.35 For Taunton Deane, the delivery test is unlikely to cause immediate issues in terms of the housing land supply position. Over the 3 years April 2014 to March 2017 the requirement set out by the Core Strategy was 2,300 dwellings. An 85% delivery rate would require 1,955 dwellings to have been completed, however the actual number delivered/projected for delivery is 2,604, a delivery rate of 113%.

Diversifying the market

Expanding the contribution from other parts of the housing market (summary of key proposals):

- 4.36 The Government is clear it wishes to see the housing market diversified. It has already made soundings about encouraging small and medium housebuilders while it continues to promote self and custom build in a variety of ways (not set out in the White Paper itself). There is £3bn available through the Home Building Fund to help finance small and medium-sized house builders. Similarly the Government is keen to encourage new models of housebuilding which centre around accelerated construction.

Accelerated Construction (officer comments):

- 4.37 At Taunton Deane there is an established relationship with the Homes and Communities Agency. Discussions have already taken place to ensure Taunton Deane has a role to play within the Accelerated Construction agenda.

Custom Build (officer comments):

- 4.38 Taunton Deane has held a Register of Interest for Self Build/Custom Build since March 2015 and is in receipt of 'New Burdens' funding to support Custom Build. The Council will need to develop its position in relation to Self/Custom build in view of the stronger emphasis the Government is placing on it, a future Briefing Note will be presented to members in due course.

Institutional Investment (officer comments):

- 4.39 Changes to The Framework could enable authorities to plan proactively for Build to Rent and support developers to offer affordable private rental homes. The rental market is strong in Taunton and there is a track record of Build to Rent developments this includes the recent Acorn Developments scheme of 40 units currently under construction on Station Road

Housing Associations (officer comments):

- 4.40 Housing Associations are urged to develop and have a role to play to build more homes. Their deregulation to reiterate their position that they belong to the private sector is aimed to provide flexibility to development programmes. Taunton Deane has a strong and active affordable housing partnership with eleven housing association members. The partnership has substantially increased affordable housing delivery over the past 5 years and continues to develop a strong pipeline for the future.

Backing Local Authorities to Build (officer comments):

- 4.41 The local authorities' role in delivering new housing is recognised in the White Paper with particular reference to the scope of bespoke housing deals and options to increase supply of affordable housing. Since self-financing in 2012 Taunton Deane has established a development strategy and has built 71 new homes with more in the pipeline. The change in rent policy, restrictions associated with Right to Buy receipts and the borrowing cap block Taunton Deane from achieving its full housing building potential. Opportunities for housing company and partnership working are being explored to support housing delivery.

Boosting productivity and innovation: Modernising the housebuilding sector (summary of key proposals):

- 4.42 The White paper states the house building industry is less productive than the wider economy, partly because it has been slow to modernise and make use of

more efficient and faster ways of building. By increasing innovation and making greater use of modern method of construction it could change this.

Modernising the house building sector (officer comments):

- 4.43 Work is underway to explore local authority housing delivery through modern method of construction and partnership opportunities to realise this ambition. Within Taunton Deane there is a strong link between housing and economic development where companies are seeking to establish their offsite manufacture industries within the South West.

Helping People Now

Helping people afford homes (summary of key proposals)

- 4.44 The White paper states homeownership among younger people has declined sharply in recent years. Low interest rates have kept the costs of mortgages down for first time buyers and existing home owners, but rising house prices and high rents mean that many people cannot afford a deposit without help from friends and family.
- 4.45 To support homeowners and stimulate housing supply Government will enable potential purchasers to save for a deposit through the introduction to the Lifetime ISA to complement the existing Help to Buy ISA and extend the Help to Buy Equity Loan scheme until 2021.
- 4.46 Starter Homes and investment through the Affordable Homes Programme are intended to help those households who are priced out of the market to afford a decent home that is right for them.
- 4.47 The pilot to extend Right to Buy discounts to housing association tenants has been expanded within a regional pilot to allow over 3,000 housing association tenants to buy their own home with Right to Buy discounts. This pilot is not within Taunton Deane.
- 4.48 Action is promised within the White Paper to promote fairness and transparency for the growing number of private rented households and leaseholders. Consultation will be launched ahead of bringing forward legislation to ban letting agent fees to tenants and the Government will implement measures introduced in the Housing and Planning Act 2016, which will introduce banning orders to remove the worst landlords or agents from operating, and enable councils to issue fines as well as prosecute.
- 4.49 There are proposals to make the private rented sector more family-friendly by taking steps to promote longer tenancies on newbuild rental homes. Consultation will also be undertaken on a range of measures to tackle all unfair and unreasonable abuses of leasehold.

Starter Homes (officer comments):

- 4.50 Taunton Deane is part of a pilot for Starter Homes partnership with the HCA. It is possible that this tenure may assist with bringing forward stalled brownfield sites.
- 4.51 Starter Homes offer another affordable housing tenure option secured through a planning obligation and whilst it is welcome that there is no mandatory requirement for starter homes, the intention to amend the NPPF to introduce a clear policy expectation that housing sites should deliver a minimum of 10% affordable home ownership units (subject to local agreement between developers and LPAs). Whilst we actively seek a broad choice of affordable housing tenure across our developments there are occasions where it may be appropriate to the housing need that the requirement is for rented on a particular site.

New Homes for Shared Ownership, Affordable Rent and Rent to Buy (officer comments):

- 4.52 It is welcome that the Affordable Homes Funding programme has relaxed its restriction on funding so providers can build a range of affordable homes including for affordable rent. Work is ongoing with the Affordable Housing Development Partners to submit schemes for this funding programme.

A fairer deal for renters and leaseholders (officer comments):

- 4.53 We welcome the proposals to address the issue of agent fees which has acted as a disincentive to people (especially young people) accessing the private rented sector.
- 4.54 However, we would be concerned if agents and landlords reacted by passing on these costs to potential tenants in the form of other charges or increased rents, particularly if this resulted in Landlords requesting higher deposit bonds (which many on low incomes find impossible to pay without assistance from the Council).
- 4.55 If this occurred it could result in an increased expenditure in the provision of deposit bonds or increase the demand on this budget at a time when the Council is looking to make budget savings.
- 4.56 Currently the Council has access to some welcome funding for this purpose from EDFe Hinkley Housing funds (West Somerset – soon to be rolled out to TD). Any additional demand placed on these funds as a result of increased demand from landlords for deposit bonds, in particular for vulnerable low income groups, could be difficult to meet.
- 4.57 It would also be unfortunate if this change has an unintended consequence and led to a disincentive for landlords to rent out property and therefore, resulted in a reduction in supply.

- 4.58 We are encouraged by the Housing Ministers recent comments about this risk at the Housing Event held in Taunton in March where he stated he expected agents to absorb these costs, as his desire is to increase access to private rented accommodation for young people.

Improving neighbourhoods and making best use of existing homes (summary of key proposals)

- 4.59 This section of the White Paper focuses on increasing overall housing supply to make sure best use is made of both new and existing homes, benefitting local communities and supporting growing economies. It seeks to address concerns over rising second homes and empty properties

Community Housing Fund (officer comments):

- 4.60 The Community Housing Fund was allocated to areas particularly affected by second homes. Taunton Deane was not allocated any funding.

Empty Homes (officer comments):

- 4.61 The Government wishes to support local authorities to encourage the efficient use of our existing stock, making best use of homes that are long term empty (LTE).. This is an area where there has been considerable focus at Taunton Deane and West Somerset over the past 18 months. Levels of LTE within Taunton Deane are about average compared to the rest of the Region. Levels within West Somerset are probably the highest within the Region, due to the elderly demographic and issues with probate. We have recently undertaken the following:
- Adopted an Empty Homes Strategy (along with Sedgemoor DC). This has two priorities:
 - To provide encouragement and support to owners of empty homes to bring them back in to use
 - To use appropriate enforcement action to bring empty homes back in to use
 - Appointed an Empty Homes Officer within the Revs and Bens Service. This officer has been successful at bring LTEs in to use, and securing additional New Homes Bonus.
 - Worked with EDF to secure Hinkley related funding to support an empty homes programme. This is operational across West Somerset and will soon be rolled out across Taunton Deane.
- 4.62 A significant issue is enforcement of those owners of LTE who refuse to engage. This can be very costly and time consuming. More resources to assist with this would be extremely welcome.

Housing for our future population (summary of key proposals)

- 4.63 Offering older people a better choice of accommodation can help them live independently for longer and can help reduce costs to social care and health systems. To ensure that there is more consistent delivery of accessible housing, the Government is introducing a new statutory duty through the Neighbourhood

Planning Bill on the Secretary of State to produce guidance for local planning authorities on how their local development documents should meet the needs of older and disabled people.

- 4.64 Helping older people to move at the right time and in the right way could also help their quality of life at the same time as freeing up more homes for other buyers. The Government wants to build on the evidence that already exists to help deliver outcomes that are best for older people.
- 4.65 Supported housing plays an important role in helping vulnerable people live independently or turn their lives around. The Government is committed to developing a sustainable and workable approach to funding supported housing which provides value for money and works for those who use it as well as those who pay for it.
- 4.66 A consultation paper was published for 12 weeks until 13th February 2017. The detailed arrangements for implementing the new model and approach to short term accommodation will be set out in a Green Paper which Government intend to publish in the Spring.
- 4.67 There are multiple and complex reasons why people become homeless. The White Paper recognises that the high and increasing costs in the private rented sector can impact upon tenants who struggle to pay, and these households are more likely to be at risk of becoming homeless. The Government's focus is on ensuring that more people get the help they need before they become homeless, with the aim of preventing a crisis from happening in the first place.
- 4.68 The Government is supporting Bob Blackman MP's Homelessness Reduction Bill which will significantly reform England's homelessness legislation, placing a duty on local authorities to take steps to prevent the homelessness of anyone eligible and threatened with homelessness. The Rough Sleeping Fund is being increased to provide an additional £10m for grants to facilitate innovative approaches to preventing and reducing rough sleeping. A network of expert advisors is to be established to work closely with local authorities to help bring them to the standard of the best and explore new models to support those that are hardest to help. Also consideration is being given as to whether social lettings agencies can be an effective tool

Supported Housing (officer comments):

- 4.69 At the Spending Review the Government committed £400 million for a further 8,000 supported housing units. Over £200 million is being invested through the DoH's Care and Supported Specialised Housing Fund to develop 6,000 more supported homes over the next few years. The Gov't wishes to see a sustainable and workable approach to funding supported housing, which is why they have deferred the introduction of the Local Housing Allowance (LHA) rates for

supported housing until 2019/20 at which point a new funding model will be introduced.

- 4.70 The delivery of an effective scheme of Supported Housing requires close and often complex working arrangements between the County Council, the districts and providers. The Government recently consulted on a funding model, and we have provided a detailed response (in addition to a response provided by the Somerset Strategic Housing Officers). We now await the publication of a Green paper, which is due this Spring.

Preventing Homelessness (officer comments):

- 4.71 The Government is supporting Bob Blackman MP's Homelessness Reduction Bill. As a Housing Options service, we are generally supportive of the Bill. The emphasis on prevention is appropriate, but there are potentially significant resource implications, and we naturally have concerns about how we will fund this.
- 4.72 We are currently awaiting the publication of the Act (due later this year). The Somerset Homelessness Strategy was due for review at the end of last year. We have rolled the Strategy forward for another 12 months, to enable us to consider the content of the Act (once published) and explore the resourcing implications. Our proposals will be shared with members in due course.

5 Links to Corporate Aims / Priorities

- 5.1 The White Paper raises issues relating to two of the four key themes outlined in the Council's Corporate Strategy: 'People' and 'Our Place'.

6 Finance / Resource Implications

- 6.1 Some of the proposed provisions set out in the Housing White Paper would have implications for workload and resourcing within the Planning Policy Team. This will include additional work associated with monitoring, measuring and defending housing land supply.

7 Legal Implications (if any)

- 7.1 None identified.

8 Environmental Impact Implications (if any)

- 8.1 None identified.

9 Safeguarding and/or Community Safety Implications (if any)

9.1 None identified.

10 Equality and Diversity Implications (if any)

10.1 None identified.

11 Social Value Implications (if any)

11.1 None identified.

12 Partnership Implications (if any)

12.1 None identified.

13 Health and Wellbeing Implications (if any)

13.1 There are a number of opportunities which preparing a Garden Town Plan for Taunton will open up to make a stronger connection between spatial planning and health and well-being. These include, but are not limited to, the delivery of green infrastructure projects such as improved green and blue corridors through the Town that will promote walking and cycling and recreation.

14 Asset Management Implications (if any)

14.1 The White Paper promotes the reuse of public owned land for housing.

15 Consultation Implications (if any)

15.1 The Plan will need to be subject to a to be agreed programme of public consultation including a formal six week representation period on any future proposed submission document.

16 Scrutiny Comments / Recommendation(s) (if any)

16.1 NA

Democratic Path:

- **Community Scrutiny**
- **Portfolio Holder Decision**

Reporting Frequency : ☐ Once only

List of Appendices (delete if not applicable)

Appendix A	Housing White Paper
Appendix B	Proposed Consultation Response

Contact Officer

Name	Nick Bryant
Direct Dial	01823356482
Email	n.bryant@tauntondeane.gov.uk

Fixing our broken housing market

Question 1

Do you agree with the proposals to:

- a) Make clear in the National Planning Policy Framework that the key strategic policies that each local planning authority should maintain are those set out currently at paragraph 156 of the Framework, with an additional requirement to plan for the allocations needed to deliver the area's housing requirement?

The Council is supportive of the principle, greater clarity expressed through The Framework will enable Councils to adopt a more proportionate approach to plan-making. It will allow for greater flexibility as to the role and scope of development plan documents making them more fit-for-purpose.

- b) Use regulations to allow Spatial Development Strategies to allocate strategic sites, where these strategies require unanimous agreement of the members of the combined authority?

No comments to make.

- c) Revise the National Planning Policy Framework to tighten the definition of what evidence is required to support a 'sound' plan?

The Council is supportive of the principle for the same reasons given under question 1 a).

Question 2

What changes do you think would support more proportionate consultation and examination procedures for different types of plan and to ensure that different levels of plans work together?

One such change that would be welcomed would be clarification on the extent of engagement required to support local plans. While the Regulations are clear on the matter what the bear minimum is, some direction as to what the form and extent of pre-publication consultation should be would assist LPAs, stakeholders and communities alike.

Question 3

Do you agree with the proposals to:

- a) amend national policy so that local planning authorities are expected to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people?

The Council is supportive of this proposal.

- b) from early 2018, use a standardised approach to assessing housing requirements as the baseline for five year housing supply calculations and monitoring housing delivery, in the absence of an up-to-date plan?

Yes, Taunton Deane already is planning to meet the current local housing targets set by the adopted Core Strategy; any standardised approach would greatly assist transparency and could help to reduce the costs of evidence gathering associated with plan-making. We will of course wish to reserve the right to comment on the specifics of any standardised methodology when this becomes clear in due course.

Question 4

Do you agree with the proposals to amend the presumption in favour of sustainable development so that:

- a) authorities are expected to have a clear strategy for maximising the use of suitable land in their areas?;

Yes, in Taunton Deane we have attempted to do this for some years by putting in-place a development strategy focussed around the regeneration of Taunton Town Centre and the delivery of new sustainable Garden Communities around the Town. Beyond Taunton itself the Core Strategy sets clear objectives and targets for the delivery of sustainable development.

- b) it makes clear that identified development needs should be accommodated unless there are strong reasons for not doing so set out in the NPPF?;

Agree, Taunton Deane has planned to meet beyond the Objectively Assessed Need in its currently adopted Core Strategy and is committed to maximising the benefits of growth.

- c) the list of policies which the Government regards as providing reasons to restrict development is limited to those set out currently in footnote 9 of the National Planning Policy Framework (so these are no longer presented as examples), with the addition of Ancient Woodland and aged or veteran trees?

Yes, no further comment to make.

- d) its considerations are re-ordered and numbered, the opening text is simplified and specific references to local plans are removed?

Yes, no further comment to make.

Question 5

Do you agree that regulations should be amended so that all local planning authorities are able to dispose of land with the benefit of planning consent which they have granted to themselves?

Yes as this will facilitate land sales and enable local authorities to dispose of land for the best consideration.

Question 6

How could land pooling make a more effective contribution to assembling land, and what additional powers or capacity would allow local authorities to play a more active role in land assembly (such as where 'ransom strips' delay or prevent development)?

The Council is supportive of a co-ordinated, more simplified approach to land assembly and measures which can enable this. Clear guidance is required to manage landowner expectations. Such powers should be reserved for schemes that will deliver a clear benefit to the local community such as affordable housing. Consideration should be given to how LPAs can acquire ransom strips from developers on larger sites where they have become a barrier to delivery of subsequent phases/sites.

Question 7

Do you agree that national policy should be amended to encourage local planning authorities to consider the social and economic benefits of estate regeneration when preparing their plans and in decisions on applications, and use their planning powers to help deliver estate regeneration to a high standard?

Agree, estate regeneration can play an important role in delivering sustainable communities and maximising the supply of housing to meet local needs, such projects need a comprehensive approach to community engagement. Consideration should be given to further support the Government can give to the viability challenges such schemes may have and the implications of changing property tenures which are required to deliver a sustainable, balanced and deliverable scheme.

Question 8

Do you agree with the proposals to amend the National Planning Policy Framework to:

- a) highlight the opportunities that neighbourhood plans present for identifying and allocating small sites that are suitable for housing?;

Agree but care should be taken to ensure landowner expectations are managed particularly if a Plan is conveying a value on a site which may not have been realised through the LPA's own Local Plan.

- b) encourage local planning authorities to identify opportunities for villages to thrive, especially where this would support services and help meet the authority's housing needs?;

Yes, the Council's own adopted Core Strategy attempts to make these links.

- c) give stronger support for 'rural exception' sites – to make clear that these should be considered positively where they can contribute to meeting

identified local housing needs, even if this relies on an element of general market housing to ensure that homes are genuinely affordable for local people?;

Agree but please see comments made in relation to Question 8 a) which are just as relevant in response to this question.

- d) make clear that on top of the allowance made for windfall sites, at least 10% of sites allocated for residential development in local plans should be sites of half a hectare or less?;

This change is totally unnecessary, in areas like Taunton Deane windfall development on small sites accounts for a significant proportion of supply. Over the period 2005/6-2015/16 they accounted for an average of 278 homes per annum out of a total of 532 without any allocations being made. The proposed change is totally disproportionate and at odds with the helpful references to proportionality elsewhere.

- e) expect local planning authorities to work with developers to encourage the sub-division of large sites?; and

In order for this provision to work there would need to a strong basis set out through policy to ensure it happens. An 'expectation' without the tools to deliver will not achieve the anticipated results.

- f) encourage greater use of Local Development Orders and area-wide design codes so that small sites may be brought forward for development more quickly?.

Agree.

Question 9

How could streamlined planning procedures support innovation and high-quality development in new garden towns and villages?

As one of the nine Garden Towns currently designated nationally Taunton Deane is interested in pioneering new approaches to delivery and ensuring the Garden Town is an exemplar of sustainable development. With all of the key sites subject to options agreements and in some cases being built out, emphasis should be placed on forward funding of essential infrastructure through the forthcoming Housing Infrastructure Fund. Receipt of funding will help deliver essential infrastructure up front and address any viability issues which should assist in the delivery of some of the softer green infrastructure and community facilities which characterise some of the most desirable places for people to live and work.

Question 10

Do you agree with the proposals to amend the National Planning Policy Framework to make clear that:

- a) authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements?
- b) where land is removed from the Green Belt, local policies should require compensatory improvements to the environmental quality or accessibility of remaining Green Belt land?
- c) appropriate facilities for existing cemeteries should not to be regarded as 'inappropriate development' in the Green Belt?
- d) development brought forward under a Neighbourhood Development Order should not be regarded as inappropriate in the Green Belt, provided it preserves openness and does not conflict with the purposes of the Green Belt?
- e) where a local or strategic plan has demonstrated the need for Green Belt boundaries to be amended, the detailed boundary may be determined through a neighbourhood plan (or plans) for the area in question?
- f) when carrying out a Green Belt review, local planning authorities should look first at using any Green Belt land which has been previously developed and/or which surrounds transport hubs?

No comments on this question.

Question 11

Are there particular options for accommodating development that national policy should expect authorities to have explored fully before Green Belt boundaries are amended, in addition to the ones set out above?

No comments on this question.

Question 12

Do you agree with the proposals to amend the National Planning Policy Framework to:

- a) indicate that local planning authorities should provide neighbourhood planning groups with a housing requirement figure, where this is sought?;

Support in-principle but question on what basis the LPA could identify such a figure. It seems a rather prescriptive approach and one which the development industry, stakeholders and community may wish to challenge.

We are unclear how a standardised approach to calculating OAN will assist on this micro level.

- b) make clear that local and neighbourhood plans (at the most appropriate level) and more detailed development plan documents (such as action area plans) are expected to set out clear design expectations; and that visual tools such as design codes can help provide a clear basis for making decisions on development proposals?;

Agree, The Framework needs to provide a strong national policy hook to empower LPAs and NPGs to develop a stronger more coherent approach to good design. In Taunton Deane we have introduced a whole chapter of detailed design policies through the recently adopted Site Allocations and Development Management Plan which flows from our adopted Core Strategy.

- c) emphasise the importance of early preapplication discussions between applicants, authorities and the local community about design and the types of homes to be provided?;

Agree.

- d) makes clear that design should not be used as a valid reason to object to development where it accords with clear design expectations set out in statutory plans?; and

Agree, LPAs should rely upon a strong basis in their adopted development plan(s).

- e) recognise the value of using a widely accepted design standard, such as Building for Life, in shaping and assessing basic design principles – and make clear that this should be reflected in plans and given weight in the planning process?

Agree, the adopted Taunton Deane SADMP already makes this link (policy D7).

Question 13

Do you agree with the proposals to amend national policy to make clear that plans and individual development proposals should:

- a) make efficient use of land and avoid building homes at low densities where there is a shortage of land for meeting identified housing needs?;

Agree although we question what measure will be used to define a shortage in identified land to meet housing needs. Also, we would suggest that making efficient use of land is an important consideration irrespective of whether housing land is identified, land is after all, a finite resource.

- b) address the particular scope for higher density housing in urban locations that are well served by public transport, that provide opportunities to replace low-

density uses in areas of high housing demand, or which offer scope to extend buildings upwards in urban areas?;

Agree, Taunton is a pilot in the Government's Station Hub programme and the Council is keen to encourage and support higher densities in and around the Railway Station. Maximising densities on other key town centre sites is also an important objective for the wider regeneration of Taunton Town Centre.

- c) ensure that in doing so the density and form of development reflect the character, accessibility and infrastructure capacity of an area, and the nature of local housing needs?;

Agree, it may not always be appropriate to promote higher density, similarly, it may be necessary to take a sensitive approach to scheme design to ensure development fits with local context.

- d) take a flexible approach in adopting and applying policy and guidance that could inhibit these objectives in particular circumstances, such as open space provision in areas with good access to facilities nearby?

Agree for similar reasons as those outlined above to question 13 c).

Question 14

In what types of location would indicative minimum density standards be helpful, and what should those standards be?

Locations in and around public transport nodes and town centre locations well-served by a range of services and facilities.

Question 15

What are your views on the potential for delivering additional homes through more intensive use of existing public sector sites, or in urban locations more generally, and how this can best be supported through planning (using tools such as policy, local development orders, and permitted development rights)?

Agree in principle but care needs to be given to ensure that public land is put to the most appropriate use. There remains a need to ensure land is brought forward for commercial, employment and other mixed uses, in urban and particularly town centre locations this is particularly important.

Question 16

Do you agree that:

- a) where local planning authorities wish to agree their housing land supply for a one year period, national policy should require those authorities to maintain a 10% buffer on their 5 year housing land supply?;

No, disagree, it is unclear why any more than the current 5% buffer should be applied where there is no persistent track record of under-delivery. Five year

supply is by its very nature dynamic and changing but if an Authority can demonstrate a pipeline of housing which extends beyond five years it seems unreasonable and unnecessary to provide a further margin.

- b) the Planning Inspectorate should consider and agree an authority's assessment of its housing supply for the purpose of this policy?

Agree although there are potentially quite significant resource implications for LPAs depending on the extent of information required to support PIN's interrogation.

- c) if so, should the Inspectorate's consideration focus on whether the approach pursued by the authority in establishing the land supply position is robust, or should the Inspectorate make an assessment of the supply figure?

The Inspectorate should make an assessment of both. Without doing so it seems unlikely the Authority or any other decision-maker would feel sufficiently confident to rebut subsequent challenges on housing land supply made by developers.

Question 17

In taking forward the protection for neighbourhood plans as set out in the Written Ministerial Statement of 12 December 2016 into the revised NPPF, do you agree that it should include the following amendments:

- a) a requirement for the neighbourhood plan to meet its share of local housing need?;

Disagree, it will not always be necessary for a Neighbourhood Plan to meet its share of housing need. This could be because either the Council's own development plan has made a strategic decision over where development occurs through the Neighbourhood Plan Area or where the settlement(s) within the NPA are sufficiently small or unsustainable that they could be only a very limited role if any in meeting future housing requirements.

- b) that it is subject to the local planning authority being able to demonstrate through the housing delivery test that, from 2020, delivery has been over 65% (25% in 2018; 45% in 2019) for the wider authority area?

Agree.

- c) should it remain a requirement to have site allocations in the plan or should the protection apply as long as housing supply policies will meet their share of local housing need?

Protection should apply as long as housing supply policies meet the NP's share of housing need (where applicable).

Question 18

What are your views on the merits of introducing a fee for making a planning appeal?
We would welcome views on:

- a) how the fee could be designed in such a way that it did not discourage developers, particularly smaller and medium sized firms, from bringing forward legitimate appeals;
- b) the level of the fee and whether it could be refunded in certain circumstances, such as when an appeal is successful; and
- c) whether there could be lower fees for less complex cases.

The Council does not think that the introduction of a fee will have a material impact in terms of the number or nature of appeals lodged. However, if fees are introduced local planning authorities should receive a proportion of the fee to cover administrative costs. Any fee should only be refunded where the other party has been found to have acted unreasonably. The fee should not be dependent upon the scale of development, but upon the appeal route chosen.

Question 19

Do you agree with the proposal to amend national policy so that local planning authorities are expected to have planning policies setting out how high quality digital infrastructure will be delivered in their area, and accessible from a range of providers?

We would welcome clarity on how this important infrastructure requirement can be addressed through planning policy.

Question 20

Do you agree with the proposals to amend national policy so that:

- the status of endorsed recommendations of the National Infrastructure Commission is made clear?; and
- authorities are expected to identify the additional development opportunities which strategic infrastructure improvements offer for making additional land available for housing?

Yes.

Question 21

Do you agree that:

- a) the planning application form should be amended to include a request for the estimated start date and build out rate for proposals for housing?
- b) that developers should be required to provide local authorities with basic information (in terms of actual and projected build out) on progress in delivering the permitted number of homes, after planning permission has been granted?
- c) the basic information (above) should be published as part of Authority Monitoring Reports?
- d) that large housebuilders should be required to provide aggregate information on build out rates?

No, on the basis that the issues are often complex and past performance is not necessarily an indication as to whether a future permission will be implemented or not.

Question 22

Do you agree that the realistic prospect that housing will be built on a site should be taken into account in the determination of planning applications for housing on sites where there is evidence of non-implementation of earlier permissions for housing development?

It will not be possible to treat each case Not all applications are submitted by developers and therefore equally.. The Council does not support this recommendation.

Question 23

We would welcome views on whether an applicant's track record of delivering previous, similar housing schemes should be taken into account by local authorities when determining planning applications for housing development.

Please see response given above.

Question 24

If this proposal were taken forward, do you agree that the track record of an applicant should only be taken into account when considering proposals for large scale sites, so as not to deter new entrants to the market?

Question 25

What are your views on whether local authorities should be encouraged to shorten the timescales for developers to implement a permission for housing development from three years to two years, except where a shorter timescale could hinder the viability or deliverability of a scheme? We would particularly welcome views on what such a change would mean for SME developers.

The Council is happy to retain the three year period, but with the ability to reduce if there is a compelling reason

Question 26

Do you agree with the proposals to amend legislation to simplify and speed up the process of serving a completion notice by removing the requirement for the Secretary of State to confirm a completion notice before it can take effect?

Yes.

Question 27

What are your views on whether we should allow local authorities to serve a completion notice on a site before the commencement deadline has elapsed, but only where works have begun? What impact do you think this will have on lenders' willingness to lend to developers?

The Council sees little or no benefit arising from this change.

Question 28

Do you agree that for the purposes of introducing a housing delivery test, national guidance should make clear that:

- a) The baseline for assessing housing delivery should be a local planning authority's annual housing requirement where this is set out in an up-to-date plan?

Agree although clarification should be given as to what constitutes an 'up-to-date' plan, it is assumed this means adopted within the last five years.

- b) The baseline where no local plan is in place should be the published household projections until 2018/19, with the new standard methodology for assessing housing requirements providing the baseline thereafter?

Clarification is required whether this scenario will also apply where a plan is in-place but was adopted more than five years ago.

- c) Net annual housing additions should be used to measure housing delivery?

Agree.

- d) Delivery will be assessed over a rolling three year period, starting with 2014/15 – 2016/17?

Agree.

Question 29

Do you agree that the consequences for under-delivery should be:

- a) From November 2017, an expectation that local planning authorities prepare an action plan where delivery falls below 95% of the authority's annual housing requirement?;

The 95% target seems too high given on-going uncertainties and the overall rate of development being achieved nationally. A target of 90% would seem more reasonable as a starting point. Clarity is also required over what such an 'Action Plan' would be expected to contain.

- b) From November 2017, a 20% buffer on top of the requirement to maintain a five year housing land supply where delivery falls below 85%?;

Agree, we welcome the apparent clarification that a 20% buffer is only applicable where delivery slips below 85%. This should be made very clear in any amendments to The Framework and para 47 specifically.

- c) From November 2018, application of the presumption in favour of sustainable development where delivery falls below 25%?;

Agree.

- d) From November 2019, application of the presumption in favour of sustainable development where delivery falls below 45%?; and

Agree.

- e) From November 2020, application of the presumption in favour of sustainable development where delivery falls below 65%?

Agree.

Question 30

What support would be most helpful to local planning authorities in increasing housing delivery in their areas?

There is a need for greater flexibility when using grant funding to deliver affordable housing. The use of Right to Buy receipts and lifting of the Local Authority Borrowing Cap to enable them to assist directly in housing delivery. It is unclear what further reform to the planning

Question 31

Do you agree with our proposals to:

- a) amend national policy to revise the definition of affordable housing as set out in Box 4?;

Agree, however although reference is made that eligibility is determined with regard to local incomes and local house prices, by specifying at least 20% makes the point of negotiation a more difficult process and can often slow down delivery. For example, for discounted market sales we have a range of discounts we negotiate with developers (the average being 30% to ensure affordability and sufficient discount to complement and not compete with other intermediate and open market options and remain affordable to residents).

- b) introduce an income cap for starter homes?;

For the past 10 years we have applied a financial criteria formula which works against selling price vs income when determining eligibility for discounted open market housing. The formula works out an income which is high enough to obtain a mortgage but generally insufficient to purchase on the open market. We would wish to apply this criteria to Starter Homes to determine local affordability and provide clear parameters to vet applicants.

- c) incorporate a definition of affordable private rent housing?;

Agree but consideration should be given to the comments made in respect of question 31 a).

- d) allow for a transitional period that aligns with other proposals in the White Paper (April 2018)?

Agree.

Question 32

Do you agree that:

- a) national planning policy should expect local planning authorities to seek a minimum of 10% of all homes on individual sites for affordable home ownership products?

Disagree, flexibility is required at a local level to enable local decisions regarding the type of tenure appropriate to bring forward a scheme. Whilst we actively seek a broad choice of affordable housing tenure across our developments there are occasions where it may be appropriate to the housing need that the requirement is for rented on a particular site.

- b) that this policy should only apply to developments of over 10 units or 0.5ha?

If implemented the threshold should be higher to mitigate the comment above i.e. 25 units or more where a range of tenure would be appropriate.

Question 33

Should any particular types of residential development be excluded from this policy?

Agree with the exemptions outlined: build to rent, supported housing, custom build and rural exception if implemented.

Question 34

Do you agree with the proposals to amend national policy to make clear that the reference to the three dimensions of sustainable development, together with the core planning principles and policies at paragraphs 18-219 of the National Planning Policy Framework, together constitute the Government's view of what sustainable development means for the planning system in England?

Agree, it seems logical to assume that the Government's interpretation of the three dimensions of sustainable development constitute it's view of sustainable development.

Question 35

Do you agree with the proposals to amend national policy to:

- a) Amend the list of climate change factors to be considered during plan-making, to include reference to rising temperatures?

Agree.

- b) Make clear that local planning policies should support measures for the future resilience of communities and infrastructure to climate change?

Agree.

Question 36

Do you agree with these proposals to clarify flood risk policy in the National Planning Policy Framework?

Agree.

Question 37

Do you agree with the proposal to amend national policy to emphasise that planning policies and decisions should take account of existing businesses when locating new development nearby and, where necessary, to mitigate the impact of noise and other potential nuisances arising from existing development?

Agree.

Question 38

Do you agree that in incorporating the Written Ministerial Statement on wind energy development into paragraph 98 of the National Planning Policy Framework, no transition period should be included?

Agree.