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10/09/2018

Dear Sir/ Madam

### **Response by the House Builders Federation to the Sevenoaks Local Plan Issues and Options consultation**

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

#### **Meeting housing needs**

The Council have stated in paragraph 1.2 that the headline need for the district for the plan period is 13,960 new homes (698 dwellings per annum). This figure is based on the estimated need established in the Government's consultation on the standard methodology published in 2017. However, it should be noted that since the publication of the consultation document further information on affordability ratios have been produced by MHCLG and that new household projections will be published in September. With regard to the forthcoming household projections the Government have stated in Planning Practice Guidance (PPG) that they will review the standard methodology in the light of this new data. Most importantly they have reiterated there intention to ensure national delivery reaches 300,000 homes per year by the mid-2020s. It will therefore be important that prior to consulting on its pre submission local plan the Council do not rush to amend its housing requirement on the basis of the latest household projections prior to the amendments that will be published by Government.

Given that the Government have outlined in paragraph 65 of the revised NPPF that local planning authorities should establish a housing requirement for their whole area we are disappointed to see that the Council have not provided an unequivocal statement of intent to meet housing needs in full. Instead the Council have set out in the Local Plan a range and have stated that they will deliver approximately 6,600 to 13,400 units during the plan period. Not only does this provide no certainty as to the level of delivery that will be achieved by the Council but even at the upper end of the range it falls short of meeting housing needs by some 560 homes.

In order to ensure that the plan is consistent with national policy it must set a housing requirement in policy that provides the necessary clarity and certainty as to the objective of the Council. This is not only important with regard to the consistency of the local plan but also with regard to the Council's trajectory and monitoring the performance of the council in meeting its housing requirement. The Council must also identify sufficient land to meet the housing needs of Sevenoaks. We recognise that the Borough is constrained by Green Belt but we do not consider that this should be a barrier to meeting housing needs in full for Sevenoaks District Council. The Council have already taken significant steps in identifying land to deliver over 6,000 new homes through amendments to the Green Belt boundary and we consider there to be no reason why further sites should not be identified. The reasons for this assertion are set out below.

### *Green Belt and exceptional circumstances*

The Council consider there to be sufficient justification to consider whether there are exceptional circumstances to support amendments to the Green Belt boundary. We would agree. The limited amount of urban land within the Borough and the inability of neighbouring Borough's to deliver some Sevenoaks' housing unmet needs is sufficient to meet the tests as set out in paragraph 137 of the NPPF.

In considering what constitutes exceptional circumstances the Council have outlined in paragraph 1.8 to 1.11 that it will only consider there to be exceptional circumstances to use Green Belt land for development where social and community infrastructure is being proposed in addition to housing, and that this new infrastructure could help address evidenced infrastructure deficiencies in the area. The proposed approach goes beyond the tests outlined in *Calverton Parish Council v Nottingham City Council, Broxtowe and Gedling Borough Council* [2015] EWHC 1078 which outlines that housing needs could be considered sufficient to justify amendments to the Green Belt when considered against the nature of the Green Belt and the impact of any development on its purposes. It would appear that the reason for the Council choosing this approach is in relation to the overarching requirement in the NPPF for development to be sustainable.

However, whilst we would not disagree that sustainability is the golden thread running through the NPPF, the Council's approach will have potentially ruled out development on smaller parcels of land that, whilst not addressing a deficit in social or community infrastructure, would provide much new market and affordable housing as well as CIL payments and New Homes Bonus to support infrastructure delivery. The allocation of such sites would also, potentially, allow the Council to meet its needs in full. As the Council will be aware the delivery of both market and affordable housing is a key element of sustainable development. This is highlighted in paragraph 8 which states that in order to achieve socially sustainable development the local plan should ensure:

*"That a sufficient number and range of homes can be provided to meet the needs of present and future generations"*

Given the scale of need within Sevenoaks and cost of accommodation within the Borough we would suggest that the delivery of housing to meet needs could be considered sufficient to warrant the amendment of Green Belt boundaries. In particular further

development to meet needs would enable to Council to meet more of its needs for affordable housing.

In addition we would draw the Council's attention to the draft guidance published for the consultation on the revised NPPF. The Government is still to publish the full guidance in relation to the housing and economic development needs assessments but the consultation maintained key paragraph from current PPG which states:

*"An increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes."*

The SHMA sets out that the Council needs to deliver 422 affordable homes each year in order to meet needs. This is 60% of overall housing needs. Given that the Council is looking to deliver a maximum of 40% affordable housing on major sites the Council will not meet this level of need. However despite this significant level of need the Council are not looking to meet housing needs and could, potentially, with the strategy being proposed deliver significantly fewer homes and as a consequence significantly fewer affordable homes.

We would therefore suggest that further consideration be given to Green Belt sites that have been discarded on the basis that they do not meet the Council's test for exceptional circumstances. The Council's own test goes beyond what is required and fails to consider the importance of meeting housing needs in full and the significant benefits this has in achieving sustainable development. We would also suggest that the council's approach fails to consider the relative impact on the aims and purposes of the Green Belt in Sevenoaks which are a key element of the *Calverton Parish Council v Nottingham City Council, Broxtowe and Gedling Borough Council* [2015] EWHC 1078. As mentioned above the judgement in this case highlights the importance of considering housing needs and supply against the nature and the extent of the harm to the Green Belt when assessing whether exceptional circumstances are present.

Whilst the Green belt Assessment has undertaken a finer grained assessment this was undertaken separately to the site assessment. This identified land that could be removed from the Green Belt but the Council has seemingly ignored these recommendations. In addition the Council does not appear to have considered as part of this finer grained assessment all of the potential development sites adjacent to the urban area that could provide much need housing. This was a specific criticism of the inspector examining the Welwyn Hatfield Local Plan and one that can also be raised against the Sevenoaks Draft Local Plan. Such fine grained assessment are important in an area such as Sevenoaks that has over 34,443 ha of Green Belt. The proposed development on the Green Belt in Sevenoaks would see the loss of around 260 ha, about 0.76%, of the Borough's Green Belt. A further 560 homes at, say, 30 dwellings per hectare would require a further 19 hectares of land would see that loss increase to 0.81%. It is evident that the relative impacts on the aim of the Green Belt to prevent urban sprawl are likely to be minimal in Sevenoaks. Indeed the Green Belt assessments suggests that one of the main concerns is encroachment into the countryside. However, it will be important for the Council to

consider these concerns in the light of the relative impacts and the actual extent of the harm that would occur.

As well as further consideration being given to small sites we would also suggest that the approach taken in assessing parcels against the purposes of Green Belt should be reconsidered. Our concern relates to purpose 2 which assess the gaps between all the settlements that are not within the Green Belt. The aim of purpose b of paragraph 134 of the NPPF is to prevent neighbouring towns from merging into one another. The Council's approach will include a significant number of smaller settlements that cannot be considered as towns. This approach will inevitably impacted on the results of the assessment and as such should be reconsidered.

Finally it is important that the Council recognises within the Local Plan that the Green Belt boundary will be amended in order to allow the allocated sites to be delivered. As such the following statement in Policy 1 "*We will promote sustainable patterns of development by permitting development in the Green Belt only in 'exceptional circumstances'*" should be amended to reflect the fact that through the local plan the proposed allocations will be removed from the Green Belt. This will ensure that any confusion with policies relating to the development of land that is set to be retained within the Green Belt.

### **Small sites**

Part a of paragraph 68 outlines that at least 10% of the Council's housing requirement should be accommodated sites no larger than 1 hectare unless it can be shown that there are strong reasons why this target cannot be achieved. At present the Council's allocation indicate that it will fall short of this target. The Council should seek to ensure that this target is achieved in order to support small and medium sized house builders and to ensure that there is a sufficient mix of sites to ensure housing delivery comes through across the plan period.

### **Policy 8 – Market and affordable housing mix**

Paragraph 56-007 of PPG requires local authorities to demonstrate the need for the optional technical standards to be applied to new homes. This evidence should include the likely future need for housing for older and disabled people, the accessibility and adaptability of existing stock, the different needs across tenure and the overall impact on viability. We can find no clear analysis within the Council's evidence base as to whether they have considered the full range of evidence required by PPG to justify this policy. We recognise that the viability study is still to be produced and it is essential that these, and indeed all other policy costs, are considered within this study to ensure their cumulative impact does not make development unviable.

When seeking to apply the optional standards for accessibility it must also be remembered that the Government have not made this standard mandatory. They clearly do not consider it necessary for all homes to be built to part M4(2). Therefore there would need to be very strong evidence from the Council to justify their position. It cannot be sufficient to state that there is an ageing population who are more likely to require such

homes. Our aging population is a national concern and one faced by all areas. If this were sufficient justification then the Government would have made the standard mandatory. Therefore we do not consider the Council to have provided the evidence required by national policy to justify all new homes being built to the optional standard M4(2). Without this evidence it is not possible to determine an appropriate level at which to set this requirement.

The proposal to require 5% of all homes on sites above 20 units as being built to part M4(3) is contrary to national policy. PPG sets out in paragraph 56-009 that the standard for wheelchair accessible homes only to properties where the local authority is responsible for allocating or nominating a person to live in that dwelling. This means that M4(3) can only be applied to affordable homes and the policy should be amended to reflect this position.

### **Policy 9 – Provision of affordable housing**

Until the whole plan viability assessment is published we cannot comment on the fundamental soundness of this policy. However, we would like to highlight the change in government policy in relation to viability. The NPPF and PPG place much greater emphasis on the need for local plans to set realistic expectations for the delivery of affordable housing within residential development. Paragraph 57 for example sets out that where development accords with plan policies they should be assumed to be viable. The aim of this approach is to reduce negotiation with regard to affordable housing by setting targets that the majority of development can deliver against. National policy still reflects the need for some flexibility due to site specific circumstances but the expectation is that negotiations will be limited. It is therefore important that when considering the viability evidence the Council does not seek to set an aspirational target at the margins of what is viable when considered against all other costs.

We would not support the Council's suggestion that it requires financial contributions on sites of 10 or fewer homes. This is not consistent with national policy and would be unsound on that basis. It is important to remember that the Government introduced this threshold as it considered the impact of contributions on small sites to be an undue burden on smaller developers. This is a much wider concern than viability and recognises that additional financial burdens, such as affordable housing contributions, have a much greater impact on small house builders who largely develop smaller sites. It is also a policy that seeks to support this particular sector of the house building industry that contributes significantly to the range of new homes that come forward across the Country.

### **Policy 15 Design Principles**

This policy will require developments to be considered by a Design Review Panel and that this additional cost will be paid for by the developer. We do not consider this approach to be appropriate as it will add considerably to the time taken for a development to come forward for approval. Given the desire of Government to speed up the process such a requirement would appear to be contradictory. Experience based on past experience with CABE's Design Review process suggests that it will create more uncertainty as well as severely slow down the planning determination process, especially at a time when local

authority planning departments are under-staffed and under-resourced. The Council should rely on it policies in the Local Plan to establish the parameters for what it considers to be good design and allow house builders to deliver developments within these parameters whilst also taking into account other factors such as viability. This requirement should be removed and the use of design panels only applied where there is an agreement between the developer and Council that this would be beneficial it taking forward a strategic development.

### **Policy 18 – Health and Well Being, Air Quality, Climate Change and Flooding**

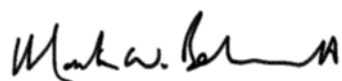
We recognise the importance of ensuring new development supports the wider aims of local authorities and their partners to improve the health and well-being of their residents and workforce. However, the requirement for a development to undertake a Health Impact Assessment (HIA) to demonstrate how they have mitigated any potential negative effects on health is unnecessary and an additional burden on applicants. The PPG sets out that HIAs *“may be a useful tool to use where there is expected to be significant impacts”* but it also outlines the importance of the local plan in considering the wider health issues in an area and ensuring policies respond to these. As such Local Plans should already have considered the impact of development on the health and well-being of their communities and set out policies to address any concerns. Where a development is in line with policies in the local plan an HIA should not be necessary. Only where there is a departure from the plan should the Council consider requiring an HIA.

### **Policy 19 – Open Space, Sport and Leisure**

As with all policies this will need to be considered as part of the viability assessment and any comments are subject to this results of that assessment. Our main concern at present with this policy is the need for developments as small as 10 units to include a Locally Equipped Area for Play (LEAP). The impact both in terms of viability and the developable area on small developments is likely be considerable. We would suggest that the threshold for the inclusion of a LEAP be amended and that developments of between 10 and 50 units should only be required to provide a Local Area of Play (LAP) – subject to viability and feasibility.

We hope these comments are of assistance in taking the plan forward to the next stage of plan preparation. I would also like to be placed on future mailing lists for updates on the preparation of the local plan and future consultations. Should you require any further clarification on the issues raised in this representation please contact me.

Yours faithfully



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