

Wanted: more housing, less planning?

Hon. Sec. Drummond Robson minuted the March Forum at Monday 21st March at The University of Westminster. Our Host was Duncan Bowie. Full minutes at planninginlondon.com > LP&DF

The Chairman thanked University of Westminster for hosting the meeting. He also welcomed the speakers: Sam Bowman of The Adam Smith Institute and Ed Clarke of the Centre for Cities and Margaret Baddeley and Giorgio Wetzl of Nathaniel Lichfield & Partners. Apologies were received from Alastair Gaskin: London and UK Property, Bob Dolata, Brian Whiteley, Colin Rumsey, David Bradley, Henry Smith of TCPA, Jessica Ferm of UCL, John Lett of GLA, Jonathan Manns of Colliers International, Michael Edwards of UCL, and Martin Simmons.

DISCUSSION TOPICS

a. Housing, London and the Green Belt

Sam Bowman of The Adam Smith Institute and Ed Clarke of the Centre for Cities introduced the topic. Jonathan Manns' paper on the same to the London Society was not available.

Planning and Housing A market-Based Perspective by Sam Bowman Adam Smith Institute

The simple fact is that we aren't building enough houses,

In the 20 years 1969–89: 4.3m houses built in

England and Wales whereas in the 18 years 1994–2012 it was only 2.7m

National Housing and Planning Advice Unit said before it was abolished in 2012 that to stabilise affordability, it would be necessary to build between 237,800 and 290,500 houses

2013: 135,500 – post-war low

2014: 141,000

London – 21,350 built vs 56,400 needed.

House prices are being outstripped by 'real land' prices: Paul Cheshire – formerly Professor at LSE wrote in Centrepiece 2014 <http://cep.lse.ac.uk/pubs/download/cp421.pdf>

Limited supply means housing is increasingly an investment good supply of developable land is extremely constrained; ability to build in cities also a major problem,

Because supply is inelastic, houses have become an investment good. Houses are now most homeowners' biggest asset, so falls in price are difficult politically

Price reflects more than consumption value – also investment value

Foreigners aren't the problem. Foreign buyers

purchased £18bn/year worth of property in London in 2009-15

London housing stock is worth £1.5 trillion according to Savills. Number of vacant houses in England has fallen, from 711,000 in 2004 to 610,000 in 2014

Housing as an investment is the problem, not certain people investing, Neither are land bankers

Planning permission expires after three years of inaction in most cases Only 4 per cent of plots owned by home builders have planning permission that is 'implementable' and aren't being built on.

63 per cent of plots are being built on already and the rest either have only outline permission (which doesn't allow building, yet) or are awaiting the local authority to make the final sign-off.

There are more than twenty large home builders so there would have a cartel of some kind for land banking to truly work.

If we thought land banking was a problem, of course the best way to break the cartel would be to open up supply so the asset wasn't so scarce.

Buy-to-let might be the problem. Assured Shorthold Tenancy laws make it easier to deliver a safe return on BTL housing.

When interest rates are low, housing becomes relatively more attractive as an investment, assuming steady rents.

Think of inelastic housing supply and lower interest rates as two blade of a scissors – if not for inelastic supply, rising prices would mean more supply

What's caused extra demand?

Not population in London – 8.6m in 1939, 8.5m in 2015. Rising incomes more likely: a 10 per cent increase in incomes leads people to spend about 20 per cent more on space in houses and gardens. Demand for low-density housing reflects this. This is constrained by the Green Belt

A green and pleasant land

Only two members of the EU 27 have less built environment per capita than the UK: the Netherlands and Cyprus.

90 per cent of land in England remains undeveloped, and just 0.5 per cent would be required to fulfil this decade's housing needs.

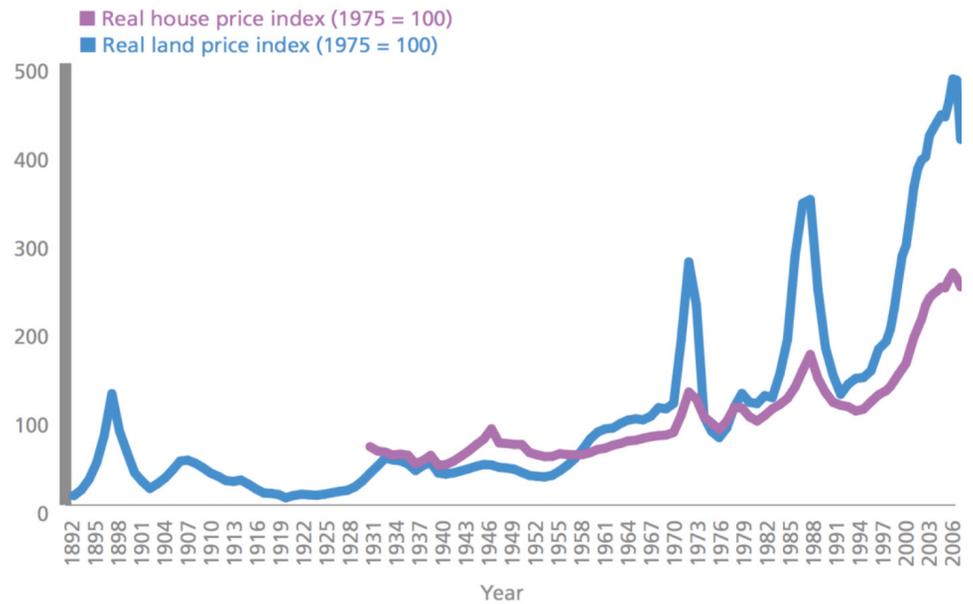
UK house-building

Homes completed, financial years 1970/1 - 2013/14



Source: Dept Communities & Local Government

Figure 1:
Real land and house price indices



Source: Cheshire, 2009.

Note: House and land data for war years are interpolated.

<http://www.damtp.cam.ac.uk/user/pvl/GOOSE/tunnell.pdf> See also *Best Practice in Urban Extensions and New Settlements TCPA* <http://www.tcpa.org.uk/data/files/nsue.pdf>

London Housing and Planning: Ed Clarke from Centre for Cities

EC said he had adopted a similar stance to Sam Bowman. There is a National Crusade to get homes built: 1 million by 2020. Despite promising rhetoric from all major parties about national house building targets, these aren't being met, and haven't been for a long time. Unprompted results from Ipsos Mori show the priority issue - from people and businesses to be housing

At present planning makes land scarce. Relatively more houses are being built in Barnsley than London or Oxford each year (as a percentage of existing stock).

London is estimated to need 50 to 65,000 new homes a year, or the equivalent of 17 to 23 new Olympic Villages, a year to meet demand. In London a mortgage needs 12-14 times annual income. In Oxford it is 9 times.

Brownfield land is scarcest where we need it most. We also need land for offices and other uses >>> in City centres, making brownfield land scarcer still. In contrast to the present situation the more land that is made available the lower are the land costs. In spite of this local government in cities has few growth incentives. By contrast the scope for community growth near stations for commuters is limited in Green Belt areas (e.g. East Herts).

Costs borne locally have been used to benefit central government.

Manchester's Troubled Families initiative is likely to result in £110 million of cashable savings.

Local partners are investing 67 per cent of the up-front costs in this, and yet they only retain 20 per cent of the savings made - the rest go straight back to central government. This reduces the money available, and the incentive to invest in similarly successful initiatives that could save more money in the future.

Business Rates will go some way to assisting in

More than a third of protected Green Belt land is devoted to intensive farming, which generates net environmental costs and is worse than doing nothing.

Each hectare of city park is estimated to be of £54,000 benefit per year, compared to a mere £889 per hectare for Green Belt land on the fringe of an urban area.

Brownfield isn't the answer

There are only 63,750 hectares of land defined as brownfield in England, plus 300,000 hectares of land that has been contaminated in some way (PDF). About half of the brownfield (and probably much more of non-brownfield contaminated land) is in use.

Cleaning is expensive and risky - eg Paddock Wood 2014 case

Very frequently amenity-rich, eg with wildlife. Hoo peninsula, nightingale breeding grounds

virtually no unused brownfield in London, and the brownfield in the south east is disproportionately in use compared with the rest of the country 9/10 brownfield that is suitable for development is already in the planning system

Conclusion: liberate the land!

Housing shortage is best understood as developable land shortage

Problems in housing market driven by housing as an investment good

Land banking, foreign speculation, Buy to Let all features of inelastic housing supply

Green Belt does not deliver amenity to most Britons but constrains housing supply

Solution: Reclassify green belt, change the system, or roll it back in certain places.

[DR Note. This is the solution proposed by Arups and others as urban Extensions for EERA in 2008 summarised as

Monday 21st March at The University of Westminster 35 Marylebone Road London NW1 5LS

Our Host: Duncan Bowie

Brian Waters: Chairman

Andrew Rogers: Association of Consultant Architects

Duncan Bowie: University of Westminster

Michael Bach: London Forum

Michael Coupe: London Society

Peter Eversden: London Forum

Ron Heath: Living Architects

Tom Ball: London Forum

Drummond Robson: Honorary Secretary and Robson Planning

Speakers: Sam Bowman of The Adam Smith Institute and Ed Clarke of the Centre for Cities and Margaret Baddeley and Giorgio Wetzl of Nathaniel Lichfield & Partners.

Apologies were received from:

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this. But they need to go further to achieve balance.

Ed Clarke concluded that

- Housing and devolution are political priorities – but a balance of incentives is key
- Planning will be under pressure to provide homes, but commercial space also key, especially in city centres
- In London, the green belt has to be re-evaluated

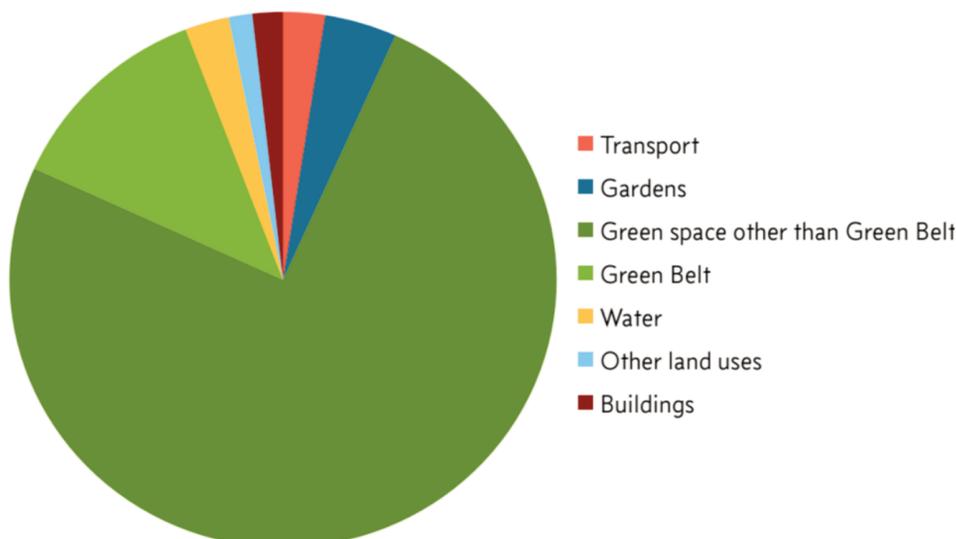
The Chairman thanked the two speakers. He referred to the article by Jonathan Manns in the June edition of the Landscape Institute which offered the suggestion of development in the Green Belt in return for a levy. This is associated with an exhibition looking at the future of the Green Belt at the Building Centre between 16th March and 27th April.

Adam Smith’s view stated above is that the Green Belt should be abolished or rolled back. It should be assessed for its sustainability.

Discussion

Duncan Bowie thought that the debate should not be about whether to have the Green Belt or not but how to improve its sustainability. He thought this would be achieved by use of Strategic Housing Land Availability Assessments, (except there is no adequate incentive for Districts surrounding London to increase housing apart from brownfield densification). His concern about Green Belt release is that it would let the market rip and ignore affordability. SB countered this by saying that more expensive housing has a trickle down effect in the housing thereby released. DB also supported suburban infill (except that this

FIGURE 1: LAND USE IN ENGLAND



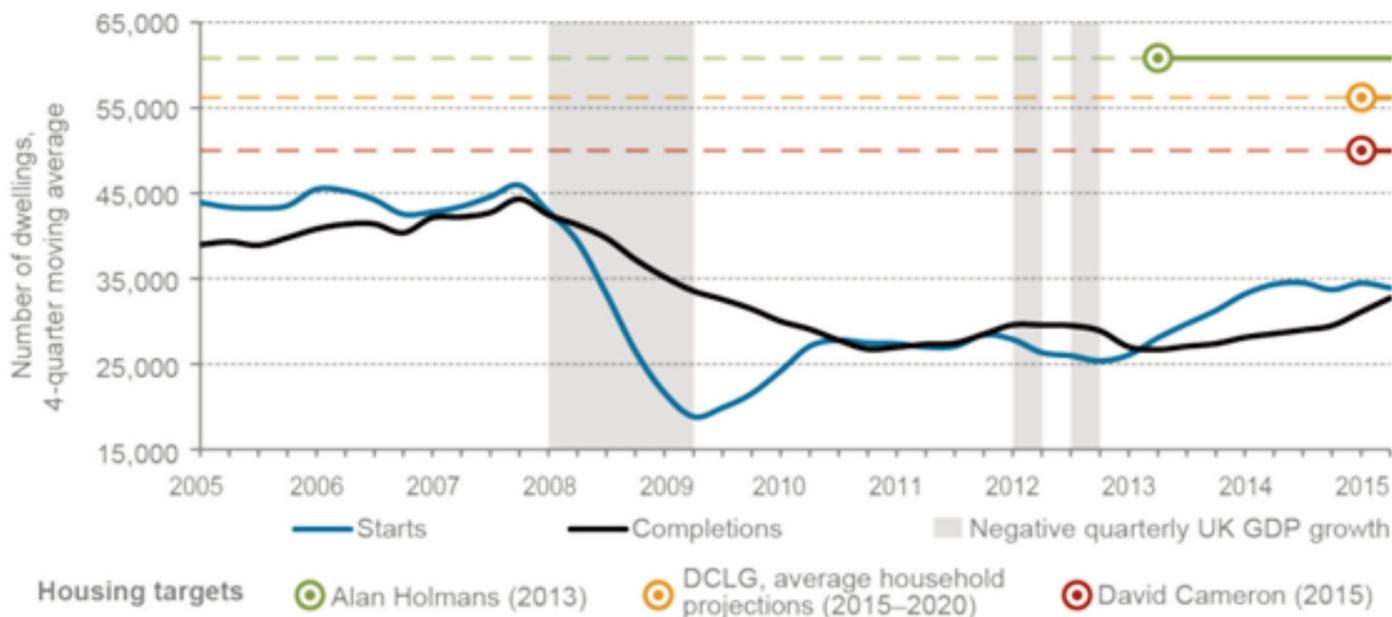
implies improved road infrastructure to prevent congestion). Managed release of Green Belt land is however being considered, including by CPRE. This raises the issue of avoiding productively used land. (This can be safeguarded by applying tests of agricultural land classification).

DR reminded the meeting of the changing definitions and applications of Green Belt. Sir Patrick Abercrombie’s Greater London Plan was far more nuanced. It identified in particular land with and without public access. This has been politically forgotten since only about 4 per cent is accessible to the public, making it much more popular in concept than reality. Green Belt is an administrative

control, not an environmental designation.

Peter Eversden was concerned about protecting London for key workers with affordable rented accommodation in the Green Belt (except that those living and voting in semi-rural areas of Green Belt will resist this strongly against prospective residents who have no vote). He also thought that growth along transport corridors would be a way of increasing capacity. This would require cpo powers to increase the infrastructure. He also thought that the increase in travel costs would result in people finding solutions in working locally in preference to commuting, thereby not assisting London as currently defined.

There is a National Crusade to get homes built : 1 million by 2020



Source: CLG/NLP analysis

It was thought in ensuing discussion that mixed tenure solutions would be preferable.

Michael Bach considered that land release will not solve the housing crisis. He said that if there is planning permission for 260,000 units that is what will be built. He considered the problem to be an increasingly segmented market. In RBK&C for example encouragement is given to market housing which is 80 per cent of the new stock and mostly 3 bed or more units.

BW disagreed with this analysis saying that housebuilders will only build to the numbers that the market is willing to pay for. On large scale schemes they will sell 50 per cent at a discount to foreign buyers. (This reflects the Adam Smith argument that housing is now an investment good). It is one that banks are not willing to take risks with.

270,000 dwellings are not being built since it is not profitable to do so. Land is overvalued. The tax income is not therefore being realised. It was suggested that it may be assisted if CIL is payable at the date of permission rather than on completion. However for many this increases the cost of planning to unacceptable levels in advance of realising the built asset.

DB stressed the need for more local authority plan led development and the reintroduction of the SE Regional Plan.

Mike Coupe reminded the importance of protecting historic towns as an element of Green Belt policy.

The Chairman thanked the two speakers for their thought provoking papers.

(Shortage of time meant that the second topic discussion was a little truncated).

Discussion Topic b: Housing and Planning Bill 2015-2016 Margaret Baddeley and Giorgio Wetzl of Nathaniel Lichfield & Partners introduced the topic which they considered to be a "tangled web".

We envisage giving an outline of the individual elements of the Bill listed in the meeting agenda, with a comment or two for opening the discussion on each one (also highlighting their interconnections, where possible).

The Housing and Planning Bill is currently being debated at the House of Lords at Committee Stage (Friday was the 7th day), where are scheduled three more days of debate; currently most of the moved amendment weren't agreed, apart from those introduced by the Government (and relating to Starter Homes specifically).

The following phase is the Report stage where all members of the Lords have a further opportunity to examine and make amendments to the Bill. After Report Stage the Bill, comprising the agreed amendment, is reprinted and debated at the Third Reading stage, where the Lords have another chance to discuss and amend the bill.

Ipsos MORI Issues Index – housing

Q. What do you see as the most important issue/other important issues facing Britain today? [unprompted]



Starter homes (clauses 1-7)

'Starter homes', the flagship measure of the Housing and Planning Bill, means a building that is:

a) a new dwelling;

b) available for purchase by qualifying first-time buyers only (under 40s);

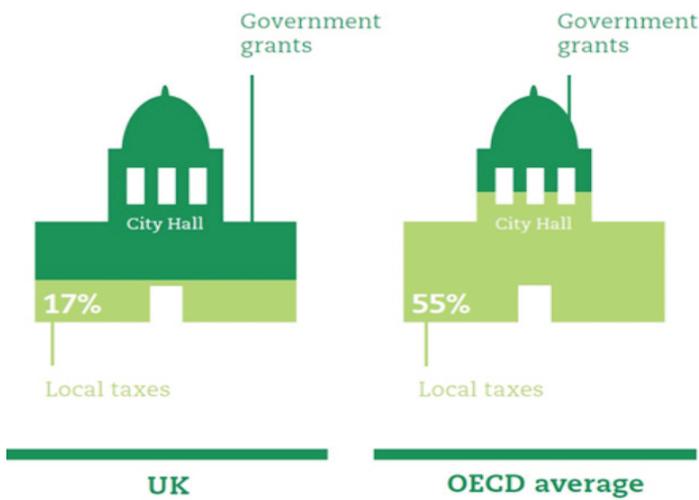
c) to be sold to the first-time buyer at a discount of at least 20 per cent less than market value;

d) to be sold for less than the 80 per cent market >>>

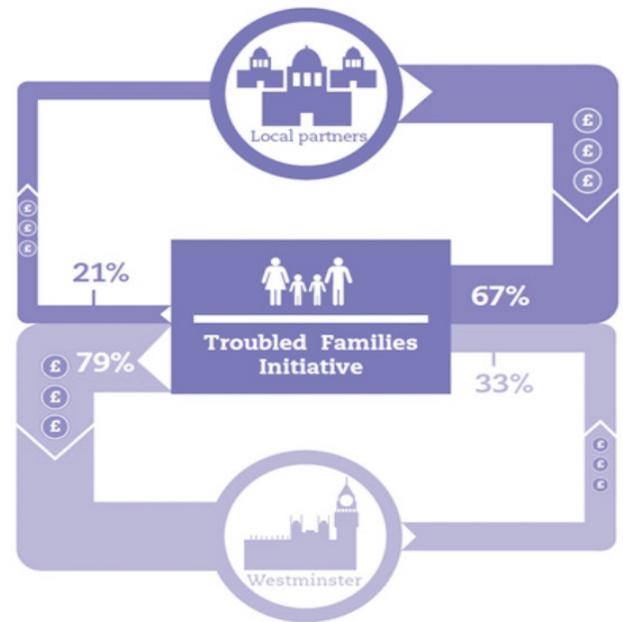
Least affordable cities in Great Britain (House prices relative to income)

City	Affordability ratio	Rank (/63 UK cities)	Annualised House-Building (Stock Change, 2008-2013)	Rank (/64 UK cities)	Brownfield Capacity (dwellings)		Green belt Capacity (dwellings)		City & Surrounding
					Local authority	City	Local authority	City (PUA)	
Oxford	14.9	1	0.38	43	1,940	1,940	9,560	9,560	98,770
London	13.9	2	0.63	12	(GLA) 365,720	390,050	(GLA) 432,671	1,206,430	3,077,320
Cambridge	12.7	3	0.74	6	2,140	2,140	2,820	2,820	72,990
Brighton	10.9	4	0.31	55	4,530	5,180	N/A	N/A	N/A
Bournemouth	10.6	5	0.55	21	550	3,420	1060	11,500	54,030
Crawley	10.1	6	0.62	13	980	1,740	50	89,310	Included in London
Aldershot	9.5	7	0.36	47	120 (Surrey Heath)	670	810 (Surrey Heath)	19,450	Included in London
Reading	9.0	8	0.51	26	6,790	8,440	0	39,080	Included in London
Bristol	8.7	9	0.80	4	4,350	7,839	2,540	51,340	123,230
Worthing	8.6	10	0.47	33	1,930	1,930	N/A	N/A	N/A

Source: DCLG (2014), Dwelling stock estimates by local authority districts 2008-2013 data. Scottish Neighbourhood Statistics (2014), Dwelling stock estimates 2008-2013 data. Welsh Government Knowledge and Analytical Services, Dwelling stock estimates by local authority and tenure 2008-2013 data. NINIS, 2014, Valuation Directorate, Land and Property Services, 2008-2013 data. Land Registry (2014), Price Paid Data 2013. Registers of Scotland, Residential properties Volume and price data 2013. ONS (2013), Annual Survey of Hours and Earnings (ASHE), average gross weekly residence based earnings 2012 and 2013 data. Brownfield sites: NLU (2009), Mixed Vintage Dataset, 2009 data. HCA. Green belt: DCLG (2011), Area of designated Green Belt Land by English local authorities. Existing buildings on green belt: Ordnance Survey Strategy Layers (2014) - Buildings.



Source: Blöchliger H & Petzold O (2009) *Taxes of Grants: what revenue source for sub-central governments?* OECD Economics Department Working Paper, No. 706. France: OECD Publishing



Change in business rates

Formula Grant system (before 2013)



50 per cent business rate retention (2013-19)



100 per cent business rate retention (2020 onward)



value price cap (£250,000 or £450,000 in London); and e) is subject to any restrictions on sale or letting specified in regulations made by the Secretary of State (SoS).

Comments for discussion:

1 Affordability issue - this is one of the main points of debate around the entire Bill: are starter homes affordable, also in light of the fact that the Government is proposing to amend the NPPF to define them as 'affordable housing'. It's hard to say at the moment, but many stakeholders are concerned about this new definition.

Recent government amendments to the Bill would allow for joint purchasers to buy a starter homes, even if not all meet the age requirement (under 40); this seems a move to address the apparent lack

of affordability of starter homes, although could potentially generate negative effects (that of starter homes being seen as an investment,

rather than meeting a household need). Are Starter Homes an effective means to tackle the current shortage of housing for medium-low income households?

2 Two other issues - the following are particularly relevant:

- will the min 20 per cent discount be in perpetuity? At the moment, the Government position is that it will not; starter homes could be sold after 5 years at full market price, generating a potentially significant profit for the owner (again, strengthening the idea of starter homes as asset). The idea behind is this Government stance is that in this way, the owner can "take another step up on the housing market ladder" by being able to buy their second home in due course.

- how can the full market price be accurately assessed, as the basis for calculating the 20 per cent discount? It is understood that the RICS is currently preparing valuation guidance in response to this matter.

3 Finally, the price cap set by the Government – a maximum discounted price of £450,000 in London and £250,000 elsewhere - may be amended by the SoS at any time via regulations. The main criticism at the moment is the top-down approach that the Government has taken, imposing the same cap for very different parts of the country, without considering (the very significant) local variations. A recent Government amendment to the Bill requires the SoS to consult each local planning authority in England (and the Mayor of London, and others as appropriate) before making regulations to amend the price cap; again by regulations, the SoS 'may provide for different price caps to apply' in different areas in Greater London and for different areas outside Greater London.

Permission in Principle (clause 136)

The SoS, by development order, would grant 'permission in principle' (PIP) for housing-led develop-

OPEN SPACE SYSTEM

-  PROPOSED LIMIT OF BUILT-UP LAND (INCLUDING INDUSTRY)
-  EXISTING OPEN SPACE WITH PUBLIC ACCESS
INCLUDES PARKS ETC. SECURED AGAINST BUILDING UNDER EXISTING CONDITIONS AND WITH FULL PUBLIC ACCESS
-  EXISTING OPEN SPACE WITHOUT PUBLIC ACCESS
INCLUDES LAND SECURED AGAINST BUILDING UNDER EXISTING CONDITIONS BUT WITH NO PUBLIC ACCESS OTHER THAN NORMAL RIGHTS OF WAY
-  PROPOSED OPEN SPACE WITH PUBLIC ACCESS
INCLUDES PARKS ETC. TO BE SECURED, PREFERABLY BY PUBLIC ACQUISITION, FOR FULL PUBLIC ACCESS
-  LAND PROPOSED TO BE RESTRICTED AGAINST BUILDING
INCLUDES ALL THE REMAINING LAND OUTSIDE THE PROPOSED LIMITS OF THE BUILT-UP AREAS. IT IS MAINLY AGRICULTURAL LAND BUT OFTEN HAS THE HIGHEST RECREATIONAL VALUE. THE DARKER TINT DENOTES THE "GREEN BELT RING" ROUND THE METROPOLIS WITHIN WHICH THE RECREATIONAL VALUE EXCEEDS THE AGRICULTURAL. NO PUBLIC ACCESS TO THIS LAND IS REQUIRED OTHER THAN NORMAL RIGHTS OF WAY; BUT THESE, ESPECIALLY WITHIN THE GREEN BELT RING, NEED TO BE PRESERVED AND INCREASED



AREAS OF SPECIAL SCENIC VALUE

WITHIN THESE AREAS THE SCENIC VALUE IS OF REGIONAL OR NATIONAL IMPORTANCE, AND RIVALLS THE AGRICULTURAL VALUE WHEN AGRICULTURAL DEVELOPMENT (E.G. AFFORESTATION) THREATENS TO CHANGE THE CHARACTER OF THE EXISTING LANDSCAPE

- SYMBOLS :-
-  CROWN LANDS
 -  GOLF COURSES
 -  WAR OFFICE COMMONS
 -  RACE COURSES

Abercrombie & Forshaw, London Plan 1944: the green belt emerges

ment on land that is allocated in a 'qualifying document' ('future' local and neighbourhood plans, and brownfield registers, as detailed in the current DCLG consultation document). The development order would set out the detail of the type of document which would allocate land for a PIP.

The consultation also highlights how a PIP might also be granted via a planning application, but only for minor development (at present, at least).

The Government's current intention is that the information required for each PIP site would relate to its use (its suitability for housing-led development), its location and the amount of development. If land is allocated in such a document and satisfies the requirements of the development order as to the

type and scope of development, the development order would automatically grant a PIP.

The current DCLG consultation highlights further details about the proposals: sensitive areas – it is currently proposed that LPAs would be able to decide if a PIP is appropriate, or not, for a site that has to be considered in relation to EU Directives. But then the council would have to undertake strategic environment assessment/ appropriate assessment/ environmental impact assessment screening itself.

information requirements – for a PIP, all that would be required would be a form, a site plan and a fee (not yet specified). For a 'Technical Details Consent' (TDC), there would be a form, plus 'plans and drawings' and again, a fee; the only two other information requirements for a TDC application would be a design statement ('including layout, access and architectural details'), and an impact statement (including any required assessments and mitigation measures).

durations of PIPs and TDCs – a PIP in a plan allocation or on a register would last 5 years from plan adoption/ being formally placed on the register; on application, the options put forward are that a PIP could expire after 1 or 3 years. A TDC would have a 3 year time limit.

Comments for discussion:

- 1 How would LPAs work on sensitive sites?
- 2 How likely is that they will be able to undertake an SEA/ EIA etc. with their current resource constraints and at their own expense?
- 3 How likely is a TDC application to be rejected and what would determine the rejection?

Local registers of land (clause 137)

There are of two kinds of register currently proposed (plus the self-built and custom housebuilding register referred to below):

>>>

- >>> · Brownfield registers; and
- Small site registers.

Brownfield registers are to be maintained by LPAs: these will be on-line and of a standard format, containing all sites and including any that have current applications running/ a local development order under preparation, that have either a PIP or planning permission, or that are covered by local development order already.

The only information given for each site placed on the register would be: its address; grid reference; size; 'an estimate of the number of homes that the site would be likely to support' (stated as a range); planning status; and ownership (if known). LPAs will only be 'expected' and not required to include site constraints and history. The government is expecting that councils will only reject potential sites, 'if they can demonstrate that there is no realistic prospect of sites being suitable for new housing'.

The starting point for an LPA in preparing a brownfield register will be to identify suitable sites from its (up to date) strategic housing land availability assessment, and to issue a call for sites if necessary too. There will be national criteria in Regulations to ensure that sites placed on the register are suitable for housing; these will include regard having to be had to the National Planning Policy Framework and national Planning Practice Guidance, and the local plan

– note that if a site is allocated for another use in an up to date plan, 'it is unlikely that the site would be regarded as suitable for housing¹'.

Sites falling under the EIA Regulations may even be included on the registers as suitable for PIPs, if the LPA determines themselves that EIA is not required (DCLG is still considering if/when/how councils may also have to undertake strategic environmental assessment of the registers).

The small sites register is being seen as most useful for increasing awareness of the sites' locations, particularly where there is a high demand for self-build and custom housebuilding. Sites on the register would not necessarily have been subject to an assessment of their suitability for development therefore planning permission would be required in the usual way. Sites would be for between one and four plots. The minimum information which the register should contain would be site location, approximate size and the contact details of the owner.

Comments:

- 1 How useful will it be to have an idea about brownfield land that is available?
- 2 But how important is it not to focus just on housing (are many brownfield sites are potentially disconnected from urban areas and will not 'work' with single use housing developments)?

'Suitable for housing' still means 'available', and also, capable of supporting 5 or more houses/ more than 0.25 ha., and capable of development i.e. 'suitable' and 'free from constraints that cannot be mitigated'.

Will the brownfield register pilots (73 councils across England) help provide a better understanding of the interaction of the register and PIPs?

Self-build and custom housebuilding (clauses 8-11). Self-building and custom building are defined as a unit built or completed by an individual, association of individuals, or by a person working for either of the former – not the building of a unit on a plot where the plans have been specified, but not delivered by the purchaser.

The Self-Build and Custom Housebuilding Act 2015 imposes a duty on relevant authorities to maintain a register of individuals (either acting alone or organised into groups) who have expressed an interest in acquiring a serviced plot of land in order to build a house to occupy as a home.

In addition, the Housing and Planning Bill requires LPAs to maintain a small sites register (1-4 plots, as detailed above) for this purpose.

Comments:

- 1 Just what is the scale of requirement for self-build and custom housebuilding at the moment? While either could be of interest for many people (at least at the expression of interest stage), having consideration for the current housing crisis and the difficulties in accessing either market or affordable housing market for many, will the register of interest only reflect demand and not actual, realistic numbers?
- 2 How will LPAs understand how many people are financially able to commit?
- 3 As an additional burden for LPAs, on top of all of the other measures that require speeding-up planning processes/ increased LPA duties, how well will the register of self and custom-builders be maintained and updated?
- 4 How will the register of interest relate to the list of small plots potentially available (the small sites register)?

Nationally Significant Infrastructure Projects and housing (clause 144) (Giorgio)

The Housing and Planning Bill provides the SoS with the power to grant development consent for housing which relates to an application for a Nationally Significant Infrastructure Project (NSIP). Guidance produced by the DCLG will set out details of the amount of housing that may be granted

consent; this will include housing which is functionally linked to the infrastructure projects and/or where there is no functional link but there

is a close geographical link between the housing and the infrastructure projects.

Comments:

- 1 Will this measure be of interest to major house-builders, having seen the efforts Government is putting behind housing and infrastructure developments?
- 2 Are there questions arising in relation to the amount of potential housing development (according to the Bill's Impact Assessment, no more than 500 homes) and to the definition of 'close geographical link'?

Neighbourhood planning (clauses 125-128) (Giorgio)

The Housing and Planning Bill allows neighbourhood forums to request notification of planning applications in their area. It is also proposed that designated neighbourhood forums should be consultation bodies where they may have an interest in the preparation of a local plan (LPAs would have to notify and invite representations).

There are also clauses intended to bring about a general speeding up of the neighbourhood plan-making process and new time limits for an LA to issue a decision. The SoS will be able to intervene in disputes (and delays too) at the written request of the neighbourhood forum and may also extend the referendum area.

Comments:

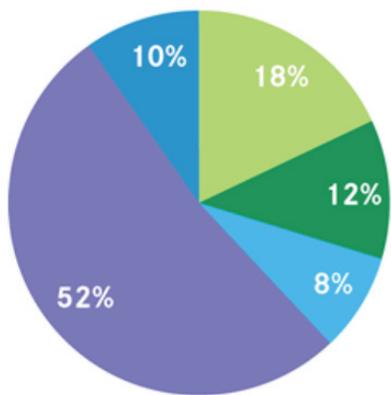
- 1 Will these measures reinforce the localism effort, by speeding-up the process/ involving neighbourhood forums in local planning more?
- 2 Could the measures simply place too great an additional burden on LPAs, such that they cannot respond and lose the (limited) control they have over neighbourhood plan-making?

Local plans (clauses 129-134)

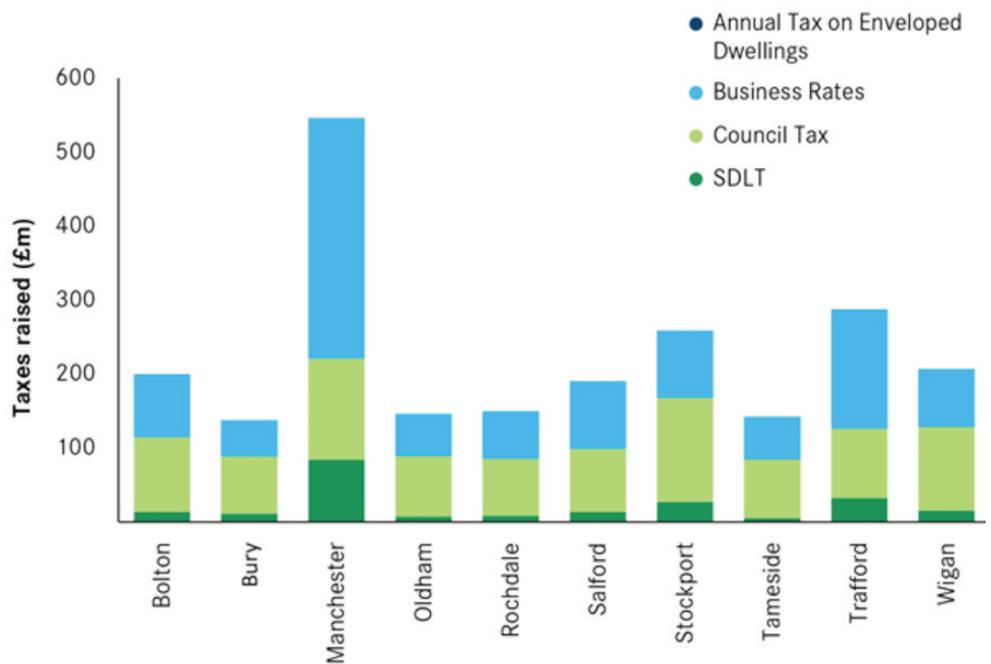
Existing provisions enable the SoS (or the Mayor of London if the LPA is a London borough) to direct the LA to amend their local development scheme (which sets out the development plan documents that the authority intends to produce and the timetable for their production). The amendment in clause 129 is intended to ensure that directions made under the power can relate to the subject matter of documents specified in a Scheme.

Further powers are also proposed, for the SoS to be able to direct a local plan examiner in relation to any aspect of an examination; the SoS can also intervene, take over and even hold an independent examination.

DCLG's technical consultation stresses that future government interventions in LPA plan-making will in large part use existing data sources (PINS and



- Council Tax
- Revenue support grant
- Retained income from business rates
- Other grants (including inside and outside Aggregate External Finance)
- Local sales, fees and charges



development plan schemes) in order to start to publish its own progress reports (6 monthly, from June) and to decide priorities i.e. based on where:

- a. there is housing under-delivery and high housing pressure;
- b. least plan-making progress has been made;
- c. plans are not up to date; and/ or
- d. plan production will be accelerated most.

The Government will also look at the extent to which LPAs are working collaboratively, and the impact that slow progress is having on neighbourhood plan-making; exceptional circumstances will be taken into account too, in case there is a situation that would make intervention unreasonable.

Comments:

- 1 Point d) is of interest - what does 'accelerated most' mean in practice?
- 2 Is the consideration of the impact of local plan delays on neighbourhood planning valid and consistent with the proposed neighbourhood planning measures?
- 3 As the latest Jan 2016 figures highlight that only 32 per cent of England's councils have a post-NPPF Local Plan in place, will these measures speed up plan-making?

Planning in Greater London (Giorgio) (Clause 135)

Clauses included in the Housing and Planning Bill will enable the Mayor to prescribe applications

that are of strategic importance by reference to the London Plan, or a London borough development plan document. In addition, the SoS, by development order, can enable the Mayor to direct a London borough to consult the Mayor before granting planning permission for development described in the direction (this is the embodiment of the trailed devolution to the Mayor of planning powers over wharves and sight-lines).

The practical effect of the clause will be to expand the circumstances in which the Secretary of State can prescribe (via secondary legislation) applications as being of potential strategic importance, for the purposes of the Mayor's call-in and refusal powers.

Not directly related to the Bill, but of relevance for London, is the current consultation on upward extensions in the capital.

Comments:

- 1 What will be the outcome of these measures, intended to strengthen the planning powers of Mayor of London over planning applications and strategic interventions?
- 2 Will they result in more intervention, with a greater power to call-in planning applications?
- 3 Will this be harmful or beneficial to the planning of development in the capital?

Permitted development rights (Clause 138)

This clause enables development orders to require the approval of the LPA or the SoS for any matters relating to building operations or the use of the land following those building operations. This enables certain additional aspects of a permitted development right to be delegated to the LPA, so that local conditions and sensitivities can be taken into account. At present, under s60 of the TCPA 1990, where planning permission is granted by a development order for the erection, extension or alteration of any buildings, the order can only require the approval of the LPA to be obtained for the design or external appearance of buildings.

This clause will enable the mooted office-to-residential rebuild PDR to come into force, via secondary legislation as a further amendment to the 2015 GPDO. On 11 March, 2015, a GPDO amendment making the office-to residential change of use PDR permanent from 6 April was laid (the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016); to note is the introduction of a new noise impact test relating to existing commercial premises and their noise impact on intended residents.

The same amendment Order includes a laundrette-to-residential PDR and a new temporary right to change from light industrial use to dwellinghouses (to start at the end of Sept 2017).

Comments:

- 1 What impact will this new 'rebuild' PDR have on >>>

the built environment?

2 Will there be sufficient design and standards' controls to achieve sustainable development?

Designation for poor performance (Clause 139)

Local authorities can already be designated as poorly performing, in relation to the speed in determining major applications in line with statutory timescales (this being a category of development described in regulations made by the SoS). If an authority is so designated, the developer may then choose to make an application for development of that description directly to the SoS.

The intention is that the Housing and Planning Bill will allow the SoS to provide that certain applications may be made direct to him (such as PIPs) and others that could not be made directly to him (the technical consultation states that this category would include householder development).

In addition to reducing the overturned appeals threshold for major developments (max 10 per cent proposal), LPA performance in making timely and quality decisions is to be measured in a similar way for these other application types too. But as referred to above, householder applications would remain with the LPA to determine, while minor development and change of use applications in poorly performing LPA areas could be made to the Planning Inspectorate (as for major developments now).

Comments:

1 Theoretically at least these are good measures for speeding up development delivery, but will they overcome the delays that often relate to under-staffing and under-resourcing?

2 Are the non-major development thresholds currently proposed appropriate (60/70 per cent decisions on time, 10/20 per cent decision overturned), in relation to the averages met nationally under the current regime (79 per cent on time, 1 per cent overturned)? Are they simply 'safeguarding' measures?

Financial benefits (Clause 140)

Information in Officer reports about a development proposal's financial benefits will ensure that these benefits are made public when an LPA is considering whether to grant planning permission (the benefits would include s106 contributions).

These are in addition to the 'local financial considerations' that are currently taken into account in decision-taking (i.e. government grant and community infrastructure levy). An officer's report to committee will be able to estimate the amounts accruing to any local authority via council tax and business rate revenue, and s106, if a development were to proceed.

Comments:

1 Financial benefits must be recorded regardless of whether material to an authority's decision on a planning application: how will the officer go about indicating their opinion as to whether the benefit is material or not?

Urban Development Corporations (Clauses 149-151)

These clauses bring in new consultation requirements and a changed parliamentary procedure for making orders.

Comments:

Old Oak Common for example?

Compulsory purchase reform (Clauses 152-182)

The Housing and Planning Bill introduces a series of changes that relate to the compulsory purchase regime; specifically, these relate to: - Right to enter and survey land (new general power of entry for survey and valuation purposes);

- Confirmation and time limits (SoS to publish timetables setting the steps to be taken by authorities confirming a CPO; a note of treat may not be served after the end of the period of 3 years beginning on the day on which the CPO becomes operative);

- Vesting declaration: procedure (preliminary notice of intention no longer required, instead a prescribed statement must be included in the confirmation notice; minimum period after which land may vest in an acquiring authority after the service of the notices is to be extended to a minimum of 3 months);

- Possession following notice to treat (notice period for taking possession under the notice to treat is to be extended to a minimum of 3 months, etc);

- Compensation (SoS to make regulations to impose further requirements about the notice claimants must give the acquiring authority detailing the compensation sought by them; etc);

- Disputes (intention to harmonise the approach to the treatment of material detriment under the vesting declaration and notice to treat procedures and to allow the acquiring authority to enter and take possession of the land they are authorised to take);

- Power to override easements and other rights (new power to extend the existing powers to override easements and restrictive covenants to acquiring authorities, such as statutory undertakers).

Discussion

Michael Bach was concerned that the capital subsidy on starter homes would not be clawed back.

DB said that Las would have to grant planning permission for them

Margaret Baddeley said it was not yet clear what the size threshold for these would be, and it is likely there would be a 6-12 months transition for LPAs to reconsider their local plan policies for affordable housing, in light of the new definition in the NPPF including starter homes in future.

On neighbourhood plans there was concern that these will be introduced with no SHMA to assess them. The intention is to speed them up. SoS can intervene in disputes. (See also concerns about SHMA area boundaries not reflecting geographical realities Local Plans Expert Group Report To Government or proper application of the Duty to Co-operate).

Local authorities will find it difficult to catch up with the ever changing definitions of affordability in their evidence base.

Following permission in principle the technical details of applications will include a design and impact statement as part of the second stage. This meant less application of policy. DB was concerned that technical matters such as flood risk may be ignored and they may have to fund any environmental assessment. Small sites and brown-field registers will be further administrative burdens.

Tom Ball was concerned that numbers of units disregarded space standards. DB thought that National Space standards would be likely to be obligatory at levels 2 or 3.

Habitats Directive and PD rule 1(5) are planned to be disapplied.

Nationally Strategic Infrastructure Projects (NSIPs) do not have a functional link at present but are likely to apply to 500 or more dwellings.

There are proposed rights for upward extensions to separate dwellings.

Also See <http://www.bpf.org.uk/sites/default/files/resources/BPF-brief-Housing-Planning-Bill-2015.pdf> Ghislane Halpenny ghalpenny@bpf.org.uk and https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/501239/Planning_consultation.pdf

NLP also referred to the Local Plans Expert Group Report To Government of March 2016

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/508345/Local-plans-report-to-government.pdf

LP&DF NEXT MEETINGS
Tuesday 19th April 1.30pm at
Dentons with National Planning
Forum (see next page)
and early June – see
www.planninginlondon.com