

[Planning reforms 2020: changes to the current planning system](#)

JUST SPACE RESPONSE

Name: Lucy Rogers and Michael Edwards on behalf of Just Space <https://justspace.org.uk>

Email: lucindadot@hotmail.com

Introduction

This response draws on analysis and statements, including submissions to London Plan Examinations in Public over the 12 years, since our network of community groups was founded. This response was considered by members in draft and incorporates suggested changes. **Just Space** is an informal network of community and campaign groups which formed in 2006 to act as a voice for communities during the formulation of London's major planning strategy, particularly the London Plan.

Standard Method of assessing local housing need.

Q1: Do you agree that planning practice guidance should be amended to specify that the appropriate baseline for the standard method is whichever is the higher of the level of 0.5% of housing stock in each local authority area OR the latest household projections averaged over a 10-year period?

Comment on Q1-5: The entire approach is wrong. New housing should be built where it makes most sense in terms of regional re-balancing, minimising the need to travel by private car & minimising environmental impact. Targets for total housing output are the wrong objective: what matters is that the housing produced includes enough homes which people on low and middle incomes can afford.

We expect any formula of the kind you propose to be defeated by political horse-trading.

However:

If there is to be a formula, it would be good to see the end of 5 years land supply which enabled the most areas most resistant to development to continue un-challenged. That is welcome.

So far as London is concerned, the reluctance of local, regional and national politicians to require Outer London boroughs to densify, has meant that London has not identified the capacity to 'meet its own needs' and no formula is likely to change this. The outcome in recent decades has been a densification of much of Inner London with severe displacement of low- and middle-income communities (especially families), and of industry and SMEs. The solution must lie in re-directing growth elsewhere in the country and/or meeting housing needs at a larger regional planning scale.

The formula applied at the scale of London boroughs (as calculated and mapped by Lichfields) tells us a lot about where purchasers are willing to pay a lot (Kensington and so

on) but that is not much guide to where housebuilding should be focused, which must derive mainly from capacity. It's also a bad guide to what should be built, which must prioritise low-rent homes, where the serious backlog of unmet needs is growing (on the GLA's own figures in the SHMA).

Q2: In the stock element of the baseline, do you agree that 0.5% of existing stock for the standard method is appropriate? If not, please explain why.

Comment: not possible to answer this within London because it is impractical in boroughs which are already 'full'.

Nationally it is suggested that this element of the formula serves to ensure that some house building takes place in the north. There must be simpler ways of achieving this which don't produce perverse results in London.

Q3: Do you agree that using the workplace-based median house price to median earnings ratio from the most recent year for which data is available to adjust the standard method's baseline is appropriate? If not, please explain why.

Comment: rental affordability is the key variable for half of Londoners. Affordability should be evaluated for lower quartile rather than median incomes and prices/rents.

Q4: Do you agree that incorporating an adjustment for the change of affordability over 10 years is a positive way to look at whether affordability has improved? If not, please explain why.

Comment: agree. And this would apply for rental affordability too.

Q5: Do you agree that affordability is given an appropriate weighting within the standard method? If not, please explain why.

Comment: We suggest there should be more emphasis on affordability. See our answers to Q 1-5 above.

Do you agree that authorities should be planning having regard to their revised standard method need figure, from the publication date of the revised guidance, with the exception of:

Q6: Authorities which are already at the second stage of the strategic plan consultation process (Regulation 19), which should be given 6 months to submit their plan to the Planning Inspectorate for examination?

Q7: Authorities close to publishing their second stage consultation (Regulation 19), which should be given 3 months from the publication date of the revised guidance to publish their Regulation 19 plan, and a further 6 months to submit their plan to the Planning Inspectorate?

Comment on 6 & 7: this is not going to work easily for Greater London, given the impending new London Plan and work starting on the next, in which major issues of strategy are up in the air. No comment.

If not, please explain why. Are there particular circumstances which need to be catered for?

First Homes

Q8: The Government is proposing policy compliant planning applications will deliver a minimum of 25% of onsite affordable housing as First Homes, and a minimum of 25% of offsite contributions towards First Homes where appropriate. Which do you think is the most appropriate option for the remaining 75% of affordable housing secured through developer contributions? Please provide reasons and / or evidence for your views (if possible):

1. **Prioritising the replacement of affordable home ownership tenures, and delivering rental tenures in the ratio set out in the local plan policy.**
2. **Negotiation between a local authority and developer.**
3. **Other (please specify)**

Comment: This entire policy is a mistake because (a) it redirects 'affordable' housing effort even further up the income/wealth scale where it is less needed and away from low- and middle-income households whose needs are greatest; and (b) to varying degrees around the country it is likely to inflate house and land prices and the profits of developers and landowners, as did Help to Buy.

If this policy is introduced it should NOT be at the expense of affordable rental tenures but replace shared ownership which is widely discredited and unpopular. The evidence is overwhelming that social/council rent levels and secure tenancies are the most badly needed forms of housing.

With regards to current exemptions from delivery of affordable home ownership products:

Q9: Should the existing exemptions from the requirement for affordable home ownership products (e.g. for build to rent) also apply to this First Homes requirement?

Comment: Only social (council) rent homes should be exempt from S106 and CIL obligations, on the principle of focussing support where it is most needed and protecting the yield from S106 and CIL.

Q10: Are any existing exemptions not required? If not, please set out which exemptions and why.

Comment: Just Space [argued strongly](#) at the London Plan EiP that Build to Rent should not have exemptions. The treatment of build-to-rent as—in effect—a new use class is a mistake and the planning system should not support it.

Q11: Are any other exemptions needed? If so, please provide reasons and /or evidence for your views.

Q12: Do you agree with the proposed approach to transitional arrangements set out above?

Q13: Do you agree with the proposed approach to different levels of discount?

Comment: No. Certainly in London low- and middle-income household would be unable to afford First Homes of adequate size even with the larger discounts. If local authorities required larger discounts it would be at the expense of the numbers of relatively more affordable units and that would be regressive / exclusionary of those in greater need.

Q14: Do you agree with the approach of allowing a small proportion of market housing on First Homes exception sites, in order to ensure site viability?

Q15: Do you agree with the removal of the site size threshold set out in the National Planning Policy Framework?

Q16: Do you agree that the First Homes exception sites policy should not apply in designated rural areas?

Q17: Do you agree with the proposed approach to raise the small sites threshold for a time-limited period?

Comment: No. Raising the small sites threshold to any extent would have totally unacceptable consequences for the numbers of affordable homes – the government estimates the reduction in its consultation paper. From a London perspective, this would be disastrous: already-inadequate output of genuinely affordable homes would be further squeezed. This will be a windfall profit for developers at the expense of those needing housing. Although the flow of new homes at council rents from S106 is currently very low in London, the proposed change in threshold would weaken the scope for authorities to seek more in the turbulent economic times we are currently in.

If a simplification of S106 is needed it should be achieved by insisting on a single rental tenure (social/council rent) and by making these requirements non-negotiable, thus removing the cost and delay of viability assessments. This would meet the demands for certainty and transparency which government tells us are important.

Q18: What is the appropriate level of small sites threshold?

1. Up to 40 homes
2. Up to 50 homes
3. Other (please specify)

Comment: Keep it at 10, and retain the freedom for LPAs to have no threshold if their local conditions indicate (as now).

Q19: Do you agree with the proposed approach to the site size threshold?

Comment: No. See 17

Q20: Do you agree with linking the time-limited period to economic recovery and raising the threshold for an initial period of 18 months?

Comment: No. See 17

Q21: Do you agree with the proposed approach to minimising threshold effects?

Q22: Do you agree with the Government's proposed approach to setting thresholds in rural areas?

Q23: Are there any other ways in which the Government can support SME builders to deliver new homes during the economic recovery period?

Comment: Yes. Government should provide funding to enable LAs to start building programmes from their Housing Revenue Accounts, freed (at least in London and the South) from the Right to Buy, and by boosting funding for community-led housing which tends to use SME builders.

Q24: Do you agree that the new Permission in Principle should remove the restriction on major development?

Comment: Just Space has never taken a view on this. However it seems likely that most relevant sites (10-150 homes) in London are already allocated in borough plans so that the principle of development will already have been established.

However in London we have many many cases where density or height considerations are critical for schemes in this size range, so we consider that such schemes should go through the Outline Planning Application process which enables these matters to be explored properly. See also density and height below.

Q25: Should the new Permission in Principle for major development set any limit on the amount of commercial development (providing housing still occupies the majority of the floorspace of the overall scheme)? Please provide any comments in support of your views.

Comment: We have pressed hard for workplaces and other non-residential uses to be integrated in housing schemes so we support the removal of the limit (provided that housing remains at least half the floorspace).

Q26: Do you agree with our proposal that information requirements for Permission in Principle by application for major development should broadly remain unchanged? If you disagree, what changes would you suggest and why?

Comment: A vital addition to information required should be a simple summary document directed at the public, which contains a set of basic facts about an application along with signposts to the documents involved. For the lay person, the difficulty of navigating planning applications that contain sometimes hundreds of documents prevents proper public access to the process, or the scrutiny of it.

Q27: Should there be an additional height parameter for Permission in Principle? Please provide comments in support of your views.

Comment: Yes, a height parameter would be essential in addition to density (floorspace) statements because (i) tall buildings are becoming common now in almost every part of London and the emerging housing “need” pressures might intensify this trend, (ii) new research evidence is showing that the energy consumption and CO2 emissions increase dramatically with building height and (iii) there are frequent problems with overshadowing of public (and private) space, especially in town centres and transport nodes (iv) heightened awareness of fire safety in tall buildings will mean that schemes need close scrutiny. Including at outline/PIP stage. Communities and LPAs need to regulate height as well as density.

Q28: Do you agree that publicity arrangements for Permission in Principle by application should be extended for large developments? If so, should local planning authorities be:

- i) required to publish a notice in a local newspaper?**
- ii) subject to a general requirement to publicise the application or iii) both?**
- iv) disagree**

Comment: both. Maximum effort is needed to bring these schemes to public attention quickly. And see the reply to Q26 above.

If you disagree, please state your reasons.

Q29: Do you agree with our proposal for a banded fee structure based on a flat fee per hectare, with a maximum fee cap?

Q30: What level of flat fee do you consider appropriate, and why?

Q31: Do you agree that any brownfield site that is granted Permission in Principle through the application process should be included in Part 2 of the Brownfield Land Register? If you disagree, please state why.

Q32: What guidance would help support applicants and local planning authorities to make decisions about Permission in Principle? Where possible, please set out any areas of guidance you consider are currently lacking and would assist stakeholders.

Q33: What costs and benefits do you envisage the proposed [PiP] scheme would cause? Where you have identified drawbacks, how might these be overcome?

Q34: To what extent do you consider landowners and developers are likely to use the proposed measure? Please provide evidence where possible.

Public Sector Equality Duty

§123. The Equality Act 2010 requires public authorities to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. It relates specifically to groups with protected characteristics including age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy, and maternity.

Q35: In light of the proposals set out in this consultation, are there any direct or indirect impacts in terms of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations on people who share characteristics protected under the Public Sector Equality Duty?

If so, please specify the proposal and explain the impact. If there is an impact – are there any actions which the department could take to mitigate that impact?

Comment: We consider that the Public Sector Equality Duty should have led the government to undertake research, specific consultations and analysis before issuing these proposals.

We consider that the government should do so now. It is quite wrong (evasive and lazy) to rely on contributions from respondents to discharge this duty.

The main issue which is obvious here is that the First Homes proposal and the proposal to raise the threshold above which affordable housing obligations arise would both reduce the output of the kinds of homes which are most affordable and most needed by low- and medium-income Londoners and those without personal or family wealth.

We know from a massive research literature that inadequate supply of secure homes which they can afford from earnings or from social security incomes bears disproportionately on working class people at large and on many protected groups: on individuals in many ethnic minority groups, on single-parent households (mainly women) and on people with many disabilities.

We would have expected something at least as good as the report produced at speed by the Mayor of London when required to do so by the Panel at the London Plan EiP last year at our request: **Summary of the specific implications of the Plan for each of the 9 groups with protected characteristics**, April 2019

https://www.london.gov.uk/sites/default/files/nlp_ex_33c_appendix_3_summary_.pdf

Mitigation would require the cancellation of both these policy changes.