

DCLG Consultation on proposed changes to national planning policy

Response

The
Heritage
Alliance

22 February 2016

The Heritage Alliance is the key coalition of heritage interests in England, bringing together over 100 mainly national organisations which are in turn supported by over 7 million members, Friends, volunteers, trustees and staff. Together they own, manage and care for, the vast majority of England's historic environment. The Alliance takes a strong interest in planning policies affecting the historic environment through its Spatial Planning Advocacy Group which draws on the knowledge and expertise in its membership.

The Heritage Alliance welcomes this opportunity to respond to the DCLG consultation on proposed changes to national planning policy. Before addressing the specific questions of this consultation we would make two significant general points. First, with respect to the format of this consultation: there is worryingly little detail provided to allow for full assessment of the cumulative effects of what is proposed. Second, on a point of principle, we caution against setting short-term housing needs above proper planning and long-term sustainability.

a) Affordable Housing

Q1. Do you have any comments or suggestions about the proposal to amend the definition of affordable housing in national planning policy to include a wider range of low cost home ownership options?

The Heritage Alliance has long supported the principle of sustainable development that underpins the National Planning Policy Framework (NPPF)¹, believing that a properly balanced approach to sustainable development is consistent with the protection of the historic environment. Sustainable communities are created where there is a mix of housing that provides for *all* groups within society. We believe that extension of the definition of 'affordable housing' will have the unintended consequence of polarising provision with developments also containing the most profitable (least affordable) forms of housing to offset the cost of affordable elements, thereby frustrating government objectives.

We support the proposal to broaden definition of affordable housing to encompass a fuller range of products to facilitate wider home ownership. To this end, we believe that encouragement should be given to providing affordable units within conversions of soundly constructed existing buildings. Conversion *should* be less expensive than new construction, allowing new uses for existing buildings that in many cases are of historic interest. Examples include recent MoD and MoJ disposals. Heritage assets and the historic environment are recognised stimulants of economic growth, bringing multiple benefits to individuals, communities and government. To secure sustainable development, the NPPF clearly requires

¹ The 'golden thread running through both plan-making and decision-taking' (NPPF paragraph 14).

all parties to use the creative process of planning to secure good design in order to ‘create better places to live and to reflect built and natural environment surroundings, connections between people and places, and to improve the character, quality and functionality of areas’.

Q2. Do you have any views on the implications of the proposed change to the definition of affordable housing on people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter?

No comment.

b) Increasing residential density around commuter hubs

Q3. Do you agree with the Government’s definition of commuter hub? If not, what changes do you consider are required?

The definition of a commuter hub stated in paragraph 15 is imprecise, allowing for wide interpretation and thus uncertainty. At present, the definition could potentially cover most, if not all, rail, tube or tram stations, now and into the future, thus affecting the historic cores of most cities and towns.

The Alliance is concerned that it is not clear how proposals to support higher-density development around commuter hubs would relate to other policy, including heritage and countryside conservation. While it is desirable that journeys be shortened, the Alliance seeks assurance from government that historic assets situated in areas designed as commuter hubs will *continue* to be afforded the assessment and conservation requirements in NPPF (paragraphs 156-58, 169-70). These requirements both recognise the value of the historic environment and expedite development by providing timely assessment.

In London, in particular, there is concern that the requirement for increased residential density at commuter hubs will result in a proliferation of tall-building development proposals. There is mass public opposition to such developments and lengthy argument at public inquiry will only frustrate government objectives of achieving increased residential density.

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

Commuter hubs—comprising railways stations, bus stations and road junctions—are largely situated in the middle of historic towns, often in conservation areas, and therefore densification may not be appropriate. Any proposals should recognise this and realise that densification would sweep away character, unless development concentrates on replacing poor post-war development and brownfield sites.

Further, a blanket approach to commuter hubs would fail to take account of local character: high-density developments may not always be appropriate to local context. We feel that densities should be determined by local and site-specific circumstances through Local and Neighbourhood Plans and welcome recognition of this in paragraph 17 of the consultation document.

Most of these locations will be surrounded by development. It is tacitly inferred that proposals would provide additional encouragement for increased density through redevelopment close

to stations. The area around commuter hubs is hinted at 0.5 miles (a c. 10 minute walk), similar to distances used in the London Plan Density Matrix. Applying the same density from station (or town centre) outwards, however, is inappropriate both in economic terms and in relations to townscape.

Q5. Do you agree that the Government should not introduce a minimum level of residential densities in national policy for areas around commuter hubs? If not, why not?

Yes, the Heritage Alliance supports the principle set out in the NPPF (paragraph 47) that allows local planning authorities to set *appropriate* density levels for new housing development to reflect *local* context. We agree that a minimum level of residential densities should *not* be introduced by government. A single, national approach to commuter hubs would fail to take account of local character: high-density developments will not always be appropriate to local context. Rather, we feel that densities should be determined by local and site-specific circumstances through Local and Neighbourhood Plans, taking account of local designations such as conservation areas.

c) Supporting new settlements, development on brownfield land and small sites, and delivery of housing agrees in Local Plans

Q6. Do you consider that national planning policy should provide greater policy support for new settlements in meeting development needs? If not, why not?

New settlements need to be well designed and sustainable in terms of infrastructure and facilities; planning needs to reflect *local* distinctiveness, with siting and design responding positively to heritage assets and their settings. For example, low-quality, unsympathetic development that damages the setting of an historic house visitor attraction—consequently undermining its magnetic appeal to tourists, as well as potential business opportunities such as weddings, filming and community events—would bring significant negative spill-over effects for the local community and economy in the form of potential job losses and lost business in local B&Bs, hotels, restaurants and suppliers.

We seek assurance from government that national planning policy support for new settlements would not facilitate new settlements being imposed on local communities without suitable infrastructure, without regard for local character and the settings of heritage assets, and without assessment of long-term sustainability. We caution against short-term housing needs being set above proper planning and long-term sustainability.

Q7. Do you consider that it would be beneficial to strengthen policy on development of brownfield land for housing? If not, why not and are there any unintended impacts that we should take into account?

The Alliance supports the principle of making the most efficient use of land by re-developing brownfield sites, where *appropriate* to local circumstances and weighed against the environmental impact (including impact upon heritage assets of archaeological interest) ; this follows the core principle in NPPF (paragraph 17). Thus, most local planning authorities prioritise through their Local Plans development of brownfield land, as available and appropriate.

We are concerned, however, about the impact on undesignated heritage assets and on the setting of adjacent heritage assets of the proposal to grant ‘permission in principle’ for sites on local authority brownfield registers. We believe that the proposed measures to facilitate the delivery of brownfield land for housing must contain adequate safeguards to ensure that the significance of any heritage assets are understood, and that such assets are adequately managed and protected in line with the NPPF.

Further, the proposals present a shift towards ‘presumption in favour’ of both brownfield land and starter homes, which may compromise many other national policy objectives, including protecting the Green Belt, the countryside and the wider environment. The move away from the single guiding principle of sustainable development presents a significant challenge to heritage conservation. Permission in principle for development of brownfield sites would remove the evaluation requirements in the planning process that currently allow for predevelopment assessment of environmental and archaeological impact. This is detrimental both to the historic environment and to timely development.

Sustainable communities need not only homes, but shops and services and places of employment. Though there have been examples where land has been allocated for employment or for a commercial use and it is highly unlikely that that use will ever be developed, there is need for local planning authorities to retain land for such uses even within the most desirable predominately residential areas, to stop these areas becoming dormitory towns and villages where travel by car is needed to go shopping, use services or go for employment or leisure. We believe that these mixed use areas also maintain the character and appearance of our many towns, suburbs and villages that make up the nearly 10,000 conservation areas in England and form a precious part of our national heritage.

We also seek clarification on all farm buildings will count as ‘brownfield’. This is pertinent in light of further government consultation on rural planning² that opened on 11 February and proposes changing the thresholds for permitted development for farm buildings.

Q8. Do you consider that it would be beneficial to strengthen policy on development of small sites for housing? If not, why not? How could the change impact on the calculation of the local planning authorities’ five-year land supply?

The Heritage Alliance is extremely concerned about the proposal to strengthen policy on ‘development on small sites immediately adjacent to settlement boundaries’. Even small settlements, including hamlets, have defined settlement boundaries, and this policy would potentially open up for development all the land surrounding them, leading to rapid outward expansion. The unintended consequence of this measure would be a return to ad-hoc, unplanned development, undermining the role of Local Plans and placing extensive areas of countryside at risk. This would attract considerable public opposition. We feel that adequate safeguards do not exist in NPPF as it stands.

Further it is conceivable that local planning authorities would stop defining settlement boundaries for the smaller settlements in their areas in order to circumvent this policy, thereby

² [Rural planning review: call for evidence](#)

frustrating housing delivery. A preferable approach would be to encourage local authorities to allocate small sites in their local plans. This would enable authorities to decide on the basis of local context, by how much each settlement could grow, and in what form, allowing greater potential to reflect historic patterns of settlement growth.

Where these sites are open spaces they a major contribution to the amenity of an area or to the setting of heritage assets, so a balance approach is needed.

We worry, however, that strengthening policy on development of small sites for housing could lead to inappropriate development resulting in loss of local character and sites of employment. This poses a threat to the mix of uses required for sustainable communities.

Most Local Plans include policies which support windfall development, having regard to local circumstances and criteria. We feel that this, together with policies in Neighbourhood Plans, is the most appropriate place to determine the approach towards development of small sites.

We seek assurance that sites would continue to be evaluated for natural and historic environmental impacts (NPPF paragraphs 156-58, 169-70).

Q9. Do you agree with the Government proposal to define a small site as a site of less than 10 units? If not, what other definition do you consider is appropriate, and why?

There may be no harm requiring there to be a policy on windfall sites in all plans. Even where no specific policies exist there is generally no difficulty identifying the material considerations (effect on the historic environment, character and appearance of the area, highway safety, etc.) which must be taken into account when determining applications and appeals (NPPF paragraph 156-58, 169-70). Any changes to the NPPF must not reduce the weight which can be given to these considerations in circumstances where there is no specific Local Plan policy, as this would make it harder for local communities to determine what is appropriate in their area.

Q10. Do you consider that national planning policy should set out that local planning authorities should put in place a specific positive local policy for assessing applications for development on small sites not allocated in the Local Plan?

As detailed in response to Q9, any changes to the NPPF must not reduce the weight which can be given to material considerations (including the impact on the historic environment) in circumstances where there is no specific Local Plan policy, as this would make it harder for local communities to determine what is appropriate in their area.

Q11. We would welcome your views on how best to implement the housing delivery test, and in particular:

- **What do you consider should be the baseline against which to monitor delivery of new housing?**
- **What should constitute significant under-delivery, and over what time period?**
- **What steps do you think should be taken in response to significant under-delivery?**
- **How do you see this approach working when the housing policies in the Local Plan are not up-to-date?**

We feel that identification of further land for development is not an answer to the issue of under-delivery of local plan housing allocations. As recognised in the consultation document (paragraph 28), reasons for under-delivery are numerous. As with our response to Q9, we ask that any change to the NPPF does not reduce consideration of the impact of development on the historic environment.

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

We feel that emphasis is misplaced in seeking to ensure that housing is delivered on land allocated in plans rather than ensuring that sites granted consent are in fact developed. A potential consequence of this would be to allow developers to accumulate permissions with no guarantee of delivery.

The Alliance is also concerned that the proposed measure could lead to greenfield land being brought forward for development. Desirable locations to developers, with fewer unknowns and therefore contingencies needed, such sites would likely have a high delivery rate on allocation at a cost to the natural and historic environment. Further, this would be at the expense of urban regeneration and all the social and economic benefits this delivers. Nothing in the proposed housing delivery test will deal with this.

d) Supporting delivery of starter homes

Q13. What evidence would you suggest could be used to justify retention of land for commercial or similar use? Should there be a fixed time limit on land retention for commercial use?

We are concerned that owners of good quality employment land and premises may serve notice on their tenants with a view to enabling redevelopment of the site for potentially more profitable housing development. This could result in deficit of employment and commercial sites, a critical part of creating sustainable communities and key to supporting our town and city centres.

The Alliance is concerned that introducing time limits may result in the deliberate running down of commercial sites to prove they are no longer viable. As such, we object to the fixed time limit on land retention as this may have a detrimental impact on the quality of the local environment and civic pride.

Q14. Do you consider that the starter homes exception site policy should be extended to unviable or underused retail, leisure and non-residential institutional brownfield land?

In the first instance we ask for clarification of what constitutes 'unviable or underused' brownfield land. Again, we would caution against blanket policy that fails to take account of local character.

Whilst we would support the redevelopment of 'unviable or underused' brownfield land over greenfield and where it has a regenerative effect in reviving an area, the proposed policy does not appear to deliver on this. This proposal may in fact encourage developers to keep viable

sites unused in the expectation that they can be redeveloped for more a profitable use. We are concerned that an unintended consequence would be to decrease the amenity value of towns, with housing being more attractive to developers, further contributing to the death of our high streets.

We would caution against widening the policy to include retail, leisure and non-residential institutional use since these bring our communities together and provide essential supporting facilities and services for local people.

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

We are concerned about this proposal for the reasons outlined in our responses to questions 13 and 14. Namely owing to the potential unintended consequences of loss of employment and commercial sites, key facilities and services and the detrimental impact on community life, civic pride and the quality of our town centres. Such proposals should be determined locally, based on evidence.

We would support measures to strengthen our town centres which can include encouraging housing with mixed use developments. We consider that a balance needs to be achieved that ensure truly mixed developments with the necessary supporting facilities, services and employment uses.

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

We are concerned about this proposal for the reasons outlined in our responses to questions 13 and 14. Namely owing to the potential unintended consequences of loss of employment and commercial sites, key facilities and services and the detrimental impact on community life, civic pride and the quality of our town centres. Such proposals should be determined locally, based on evidence.

We would support measures to strengthen our town centres which can include encouraging housing with mixed use developments. We consider that a balance needs to be achieved that ensure truly mixed developments with the necessary supporting facilities, services and employment uses.

Q17. Should rural exception sites be used to deliver starter homes in rural areas? If so, should local planning authorities have the flexibility to require local connection tests?

The Heritage Alliance oppose the proposal to allow starter homes on rural exception sites as currently drafted and is particularly concerned that an unintended consequence of the policy could be to weaken national Green Belt policy by allowing erosion or ‘nibbling away’ of established Green Belt, and creating unsustainable developments outside the settlements.

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

No comment.

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

We agreed with the principle of enabling communities to bring forward housing development to meet local needs on sustainable sites, through Neighbourhood Plans. However, we would be concerned if this led to erosion or ‘nibbling away’ of the Green Belt over time. Retaining the requirement for Neighbourhood Plans to be in conformity with the overarching Local Plan for the area could, however, ensure that a strategic approach to Green Belt remains.

Q20. Should planning policy be amended to allow redevelopment of brownfield sites for starter homes through a more flexible approach to assessing the impact on openness?

The Alliance is extremely concerned that proposals will result in a two-tier approach to greenfield land, with pristine countryside retaining full protection whilst any land that has had a previous use (thereby regarded as brownfield) could be developed for housing without due regard to sustainability. Without major infrastructure investment many of these brownfield sites are not sustainable; as such this directly undermines the driving principle of NPPF and can only serve to frustrate government objectives.

Furthermore, the proposals provide no indication or assurance that requirements would be put in places to evaluate this land, in terms of its historic environment and natural environment interest and sensitivities before it is considered for disposal with a Permission in Principle for an agreed number of housing units. We strongly believe that this directly conflicts with the NPPF which crucially states that ‘the essential characteristics of Green Belts are their openness and their permanence’ (paragraph 79).

One of the reasons for Green Belt Designation, as reiterated in the NPPF paragraph 80, is to preserve the setting and special character of historic towns. Again, as far as we can see, there are no safeguards in the proposals to amend the NPPF and in the Housing and Planning Bill to make sure that the implications of the changes to Green Belt and the proposed density increase around commuter hubs will require the setting of historic towns and smaller historic settlements to be considered before the decision to give the site Permission in principle. If starter homes are acceptable on any previously developed sites within the Green Belt, then this will undoubtedly weaken Green Belt policy.

e) Transitional arrangements

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

The proposed transitional arrangements need to be delivered over a reasonable timeframe to allow all parties to adjust. The Alliance suggests extending this until all local planning authorities have local plans in place by mid-2017.

f) General questions

Q22. What are your views on the assumptions and data sources set out in this document to estimate the impact of the proposed changes? Is there any other evidence which you think we need to consider?

We feel that due consideration should be given to the Local Government Association report of January 2016 that states there are over 600,000 unbuilt consented residential units. We

believe greater attention needs to be paid to dealing with delays by developers after planning permission has been obtained.

The Heritage Alliance appreciates that there is great pressure to deliver increasing numbers of new homes every year to meet growing need. We are extremely concerned that in the rush to meet the demonstrable need, some of the measures proposed in both this consultation and in the Housing and Planning Bill 2015-16, will result in the loss or damage of heritage assets in England.

We seek assurance that in speeding up the provision of planning permission for all new development that there is a requirement for early, proper assessment of every site in terms of natural and historic environment impact, as well as its sustainability in terms of NPPF. This would allow sites which are of lesser environmental importance (NPPF paragraph 157 bullets 7 & 8) and is sustainable by virtue of existing and planning infrastructure, to be prioritised.

We remain concerned that there is worryingly little detail in what is proposed, which does not allow for assessment of the cumulative effects.

Q23. Have you any other views on the implications of our proposed changes to national planning policy on people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter?

No comment.

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