

Lambeth Green Councillors response to proposed Government planning reform, September 2020

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There are two separate but related sets of proposals, with two separate consultations. The closing dates are 1st October ([changes to current planning system](#)) & 29th October (white paper, "[Planning for the Future](#)")

- This response is independent of any local Green Party submission to one or both consultations, based on national Green Party Policy and our own local concerns in Lambeth.
- This is independent of any Lambeth Council submission to one or both consultations.
- Lambeth Green Councillors welcome opportunities for cross-party involvement in the response, given the potentially huge impact on local communities.
- The Green Group seeks information from Lambeth Council Planning Officers and Cabinet as to the impact on Lambeth's housing target (the housing requirement) using the new methodology.

1. Proposed Changes to Current System - Consultation closing 1st October

Headlines:

- The proposed algorithm, to set the number of new homes needed is arbitrary and, in many cases, undeliverable. It does not address the actual need for housing, right place and right size and could work against 'levelling up'.
- We oppose the centralisation of decision making on the best mix of affordable housing¹ ie. the blanket requirement for 25% 'first homes' requirement, regardless of local situation and local need which in many places is affordable rented housing, especially council housing.
- We also oppose the change to the threshold for providing affordable rented housing¹. We need more affordable homes¹ for people, not fewer.
- We think expanding "permission in principle" is unnecessary: the existing system has gained little support among developers and it could continue the worst examples of poor quality development, gained through expanded "permitted development" rights through removing effective local authority control.

Unrealistic undeliverable housing numbers

We acknowledge the need to build more housing, but it must be the right housing, of the right size, in the right place. Simply deciding on an algorithm to apportion 300,000 homes per year without any evidence being produced to support this target, is doomed to failure. It will be GCSE grades all over again. Sometimes there simply isn't land available to put more housing, and dictating a target from on high isn't going to change that.

Furthermore, the focus on the "number of dwellings" does nothing to address the complexity of housing need. There is a world of difference between 300,000 executive homes and 300,000 bedsits, but the proposed approach does not differentiate between these two extremes. Any targets must be broken down by size of dwelling.

Whilst the use of more up to date population estimates is welcomed, residents and councillors are deeply concerned about the impact on communities and the environment, with many reporting that the numbers allocated to their areas as a result of the changes to the standard method are simply not deliverable.

The chance should be taken to clarify the definition of housing units, for example, removing ambiguity over 'co-housing' which has been exploited in some areas.

The formula is skewed towards developers and the land industry. It will encourage more development where prices are higher - and profits maximised - which disadvantages the areas where prices are lower.

Loss of Affordable Housing - through affordable housing threshold

We oppose the raising of the threshold for affordable housing¹ to 40 or 50, which will directly reduce the amount of affordable housing¹ provided by the planning system.

There is no evidence provided in the consultation, or elsewhere, that this measure will achieve the desired effect of encouraging sites to come forward or benefitting smaller builders and developers. It could have unintended consequences e.g. developers may start submitting below threshold in order to avoid affordable housing¹ obligations.

Existing rules define “small sites” as less than 10 units of housing. There have been cases where developers artificially split sites into smaller ones to avoid contributions i.e. the abuse the government identifies in paragraph 81. Developers should not be allowed to break up large sites to enable them to deliver housing numbers just below the proposed increased threshold that avoids affordable housing¹ obligations.

First Homes

We welcome the principle of requiring affordable housing¹ and that the Local Planning Authority can increase the affordability discount - on whatever tenure - to up to 50%, however, the authority must be able to determine the mix of types of affordability.

Therefore, we strongly oppose the ‘First Homes’ proposal to require a percentage of discounted ‘for sale’ on affordable housing¹. This is a politically driven suggestion, without an evidence base, that favours ownership over renting. It would take away local control and unacceptably centralise decision making on affordable housing¹ priorities, without regard for local need. Many of the areas with the greatest housing shortages and the highest prices are in dire need of affordable rented housing¹, especially social housing and many local authorities are committed to responding to this need. Making a compulsory quota for sale, not affordable rent, will directly impact the ability of local authorities and housing associations to deliver much needed homes for people.

We welcome the requirement for first homes to be affordable¹ in perpetuity. However, the ability for banks to remove that requirement, where a home is repossessed in order to protect their investment, should not be allowed.

In principle, we support the implied (though not explicit) requirement in the proposal for affordable homes¹ to be delivered on-site, but this should be strengthened to require that they are ‘tenure blind’ i.e. affordable homes¹ are mixed with standard ones. Creating ghettos of “affordable housing”¹, segregated at the edges of housing developments, or “poor doors”, directly contravenes the stated aim of “happier, more rooted communities.”

Extension of Permission in Principle - and note on opposition to extension of permitted development

This appears to be an unnecessary tool, with government evidence that developers have limited understanding of the current system. It would seem to conflict with the aim of the Future Planning white paper to focus on good design and we have strong concerns it could further weaken councils’ control over planning and further dilute scrutiny. We are concerned that the

problems already experienced permitted development could be exacerbated if permission in principle is extended. It also seems to add yet another layer of complexity, with little advantage for developers.

There could be an advantage for local authorities in bringing forward land assembly for social housing. However, the consultation document is so light on detail about how it would be applied that it is hard to comment.

Although not included within this consultation - as it has already been bulldozed through Parliament - we would like to register that we are strongly opposed to the extension of permitted development which evidence shows is already leading to the slums of the future.

Public sector equality duty

We are concerned that no equality impact assessment has been carried out on these proposals. Disabled people face many more barriers to adequate housing, compared to the general population. Black, Asian and Minority Ethnic populations may face additional barriers due to lower average incomes and to family size.

The PSED includes the particular duty to have due regard to the need to take steps to meet the needs of people with disabilities where they differ from the needs of those without disabilities. It also includes the duty to have due regard to the need to tackle prejudice and promote understanding. This may be particularly relevant, for instance, to the arrangements for affordable housing¹.

The proposal should therefore not be taken forward without a full equality impact assessment.

2. White Paper Proposals - Consultation closing 28th October

Summary

We agree the planning system is over-complex, out of date and in need of reform. It does not provide many people with the homes they need and fails to value the climate, biodiversity or create better communities.

However, this white paper document takes the wrong approach; it indeed makes the wrong assumptions about what is actually wrong with the system, failing to look properly at the evidence and to understand the reasons for failed delivery of housing. It is a missed opportunity to address climate change, rebuild ecosystems and to bring forward proven solutions to the housing crisis, including investment in local authority house building. It seeks simple answers without understanding the complexity of the problems. It is not based on the evidence available. It should not have been presented as a white paper as it is nowhere near ready for legislation, entirely lacking in detail in key areas.

We are opposed to this over-centralised approach, which will damage local democracy and take away local control. This, in turn, can damage the reputation and confidence of the standing of property developers and the planning system in the local community. The failures, including around infrastructure provision, will have a detrimental effect on good neighbourhoods.

Climate Change & Biodiversity

There is a fundamental failure to place carbon reduction front and centre. Alongside the 10% net gain in biodiversity, there should be an **equivalent commitment to carbon reduction**. Every development should not only be carbon neutral, but should be generating more power than it uses. The current proposal to be '**carbon net zero-ready by 2050**' is simply not good enough.

The white paper is strangely silent on transport and the all-important need for the planning system to ensure that development takes place only in sustainable places, with a commitment to a major shift from car journeys to sustainable modes of transport. Planning policy has a crucial impact on tackling climate change by building the right homes in the right place, with minimal use of resources for travelling between the concepts of home and work. All new homes should be designed suitably for working from home.

The replacement system of environmental assessments is deeply concerning as there is no detail, or even sense of importance, about making these work better. A clear straightforward means of assessment is needed that assesses carbon impact, as well as constraints including flooding and air quality issues.

Whilst the commitment to Biodiversity net gain is welcomed, we need to go much further, acknowledging the need for policy to address our biodiversity emergency, and catastrophic

species loss in which land use - and loss - plays a crucial role. The metrics for Biodiversity net gain need to ensure we fully recognise the importance of no loss of a particular species loss of a long-established habitat, such as ancient woodlands or wetlands, in assessment of areas for development (not just assuming that for example an ancient woodland cannot simply be 'replaced' elsewhere).

The design codes proposed seem to be centred around beauty, at the expense of sustainability, and takes a gimmicky approach. Tree-lined streets are welcome, but are not enough. In any case, they must be the right species in the right place that will survive rising temperatures and not damage pavements.

Current local planning systems are one of the most effective ways for local authorities to tackle climate change. It is vital that the local design codes proposed are not restricted to dealing with appearance and 'beauty'. Beauty is important, but in any case, hard to legislate for and can lead to pastiche. Lack of beauty is important - but not the biggest crisis facing us.

Design codes, both local and national, must allow for meaningful action on sustainability. This includes local requirements for carbon neutrality in buildings, biodiversity and construction methods, as well as for infrastructure planning that puts requirements for walking, cycling and proximity to public transport at the heart, to create liveable communities. They should be genuinely locally driven. This will not be achieved through a centralised system, reliant on 'machine reading' instead of human planners.

Climate change will not be solved by using a more attractive cladding.

On Community Infrastructure Levy (CIL) reform, the new levy should not only be based on the type of housing, but on the carbon and environmental credentials of a building and site, effectively offering a discount to those developers that build to the highest environmental standards and incentivise doing the right thing.

We are also concerned that the new infrastructure levy, as proposed, could be siphoned into non-infrastructure spending:

- (1) Bundling affordable housing¹ in with infrastructure - when it isn't - could reduce the amount of affordable housing¹ provided (an impact compounded by the proposed changes to the current system - see our consultation response to changes to the current planning system).
- (2) We are opposed to the suggestion that infrastructure levy could be used for other types of spend, unrelated to development and even 'council tax reduction'.

Affordable housing¹ spend must be prioritised and infrastructure spending ring fenced. This would allow for the infrastructure needed, to enable development, and especially infrastructure, for low carbon living and increased biodiversity. For example:

- Grid upgrades
- Provision of renewable energy including solar PV on all roofs as standard
- Rural and urban sustainable drainage
- Climate change adaptation

- Walking and cycle routes
- Public transport
- Schools, health & social care facilities
- Community & cultural space
- Local shops
- Parks and green spaces
- Allotments & other food growing space

If the new Infrastructure Levy is to be based on the value of the development, areas with low house values will lose out. This will work against 'levelling up'. There is some justification for higher levies where there are high house values, as the high cost of land will also mean higher costs for providing infrastructure (and affordable housing¹), but this needs to be balanced. Any formula should take into account income and affordability, not just be set at a flat rate across the county.

If reform goes ahead we must see:

- Local design codes need to be able to incorporate areas which are currently set through local planning policy. They should not be purely about appearance and 'beauty' but allow rules addressing the climate emergency e.g. carbon zero building, transport design, building waste and packaging and materials minimisation.
- The energy efficiency standards required at national level are much greater than those proposed - requiring generation - or at the very least fully zero carbon.
- Rigorous environmental assessment.
- Meaningful biodiversity net gain, which recognises species loss and the nature emergency.
- Infrastructure contributions should incentivise high environmental standards.
- The infrastructure levy ring fenced for infrastructure especially low carbon infrastructure and balanced to ensure levelling up not levelling down.
- There needs to be the option to include conditions around the process of construction e.g. traffic and site management.

Use of land and meeting everyone's housing needs

Failure to address the real barriers to house building - the need for land value tax, penalties for land-banking, resourcing of planning authorities and to invest in good quality council housing.

These proposals could lead to a proliferation of greenfield, out of town, car-driven developments, which are loved by both the development and land-selling industry as maximise profits for both these industries. These dormitory housing estates are far less sustainable than brownfield development near existing transport and services, and are often unpopular with communities as they take away precious open farmland and green space, as well as harbouring the potential for social isolation problems.

There is also clear evidence that the best way to bring about more and better housing of the kind needed by our communities, whilst at the same time stimulating our economy post Covid, is to make finance available to local authorities to build council housing. This white paper is a

wasted opportunity to bring this about. We need to see a serious approach to affordable housing¹ which also encompasses withdrawing the right to buy legislation. A proper definition of affordable housing¹ is also required. The paper aims to provide at least as much affordable housing¹ as under the current system, but should be much more ambitious than that, particularly as it regards affordable rented housing¹.

The white paper fails to address the failure of the house building industry to bring forward developments which have been given permission, but which developers are failing to build out, instead 'land banking'.

There is a gap around ensuring continued investment in affordable homes¹ provided by community land trusts.

Additionally, we are concerned that the problem of systematic cuts from government leading to under-resourcing of local authority planning departments are not acknowledged or addressed. On top of the existing deficit, undertaking wholesale planning reform will require additional resources. There must be sufficient revenue to fund local authority planning departments to undertake the new requirements.

Additionally, to have any hope of success, substantial reform should not be taking place alongside a period of local government reorganisation (or 'devolution' as this is euphemistically being called), as the two things simply aren't possible alongside each other.

We believe that reforming the planning system, as suggested, will not enable more houses to be built. This is because land prices and the profit gained from planning permissions on cheap agricultural land, are not being addressed.

The White Paper instead should seek:

- To reform the Land Compensation Act 1961.
- Enhanced CPO and land assembly powers for local authorities.
- Incentives for developers to go ahead with construction when planning permission granted, and penalties when they don't (e.g. time limits, financial penalties).
- A carefully designed Land Value Tax.
- Investment in council housing and stopping the Right to Buy policy - one counters the other.
- Support for community land trusts.
- Addressing the deficit in local authority planning services and additional resources to enable reform.

Additionally, planning reform must not take place alongside local government reorganisation.

Zoning

Concerns about 'zoning' / centralisation; democracy/accountability, and about deliverability in practice.

In principle, there could be advantages to a more accessible and visual approach to local planning, if this genuinely allows communities to engage better at an earlier stage of the

planning process. However, the proposals set out entirely lack detail about how this would be achieved and fail to address digital exclusion. Given the proposals were developed without reference to any expert in community involvement (or even a single local planning authority) it is not surprising that in practice the proposals are heavily skewed **against** a better deal for communities. The principles of localism appear to have been entirely abandoned. Localism needs to be embedded in the reforms, building on the work on Neighbourhood Planning that has been so successful in many parishes and towns around the country, an approach we strongly support.

We are hearing many concerns, raised by both Councillors and residents in different areas of the country, regarding the split into Growth/ Renewal/Protected zones and how this would work in practice. These are not sufficiently nuanced.

The proposals simply do not put our communities at the heart when it comes to decision making, tilting the balance of the planning system further in favour of large scale development and land-buying industries. The zones are too broad and do not allow for local circumstances.

Growth zones must first pass environmental assessments / sustainability tests and the current proposals do not provide a practical way for this to take place - as there is no allowance in the process for resources needed for these assessments to take place prior to allocation.

The lack of clarity on the future role of local authority planning committees is a gaping hole in the current reforms. Whilst the idea of streamlining decision making to help bring forward more homes more quickly is welcomed, this must not be at the expense of the role of local councillors, who know their areas better, in scrutinising development proposals at all stages of the planning process. There needs to be the opportunity for communities' specific comments on an actual project to be raised so they can be debated when deciding the outcome.

We are concerned that land seems to be viewed simply as a commodity, instead of a precious resource. Land - including open countryside which does not have an official designation such as an AONB - is fundamental to our lives. It is key to biodiversity, captures carbon, and is often hugely important to local residents. Additionally, smart land use for renewables, rewilding, food production etc. is key to a low-carbon future.

The importance of agricultural and food producing land must be remembered for food security.

Employment space is largely ignored which is a huge oversight. A joined up approach - that looks beyond an obsession with housing- also should consider the sustainability of future economies - with progressive design looking at '15 minute neighbourhoods' or '1 job per household' etc. Yet, employment space barely features.

Waste and minerals planning should be reframed in a circular economy approach, however, seems to have also been forgotten in this white paper. Therefore, it is hard to comment.

Putting too much emphasis on a 'fixed' set of rules for development, set at one particular moment in time, means there is then no opportunity to respond through the planning system

if local or national circumstances change - just as the pandemic should have taught us all about the need to retain the flexibility to adapt to changing times.

Conversely, if every single possible future scenario is planned for, design codes will become unworkably complex (as we see in other zoned areas e.g. the 1600 page New York design code) - entirely defeating the point of this reform.

This white paper is part of a centralising approach which reduces the power of local government, undermines democracy and which fails to recognise the importance of local communities and local areas who should be at the heart of effective placemaking.

We agree that the proposals would lead to greater complexity (despite the stated desire for simplifying the system) and especially the need for much greater clarity, made in the [TCPA Initial Analysis](#). If reform goes ahead, some of our key requirements are:

- The designation of Growth and Renewal areas MUST be co-designed with local residents;
- Growth zones must first pass environmental assessments / sustainability tests.
- There needs to be additional categories in the zoning system e.g. protected to recognise the importance of open countryside and other undeveloped land separate to land which is designated as AONB, National Parks etc.
- There need to be additional categories of land use, which will enable local areas to set local targets. For example:
 - Renewable energy generation.
 - Food production.
 - Rewilding and nature.
 - Carbon sequestration.
- Better involving people earlier in the process must not exclude the involvement of communities later in the process as populations, and both local and national circumstances, change.
- Digitally excluded people need to be included.
- Reducing the role of democratically elected councillors in the process would mean less accountability and this must not happen.
- There needs to be consideration given to the transition period - how do local authorities move from the current system to a future one without a policy void?
- Ensuring proper resources for local authorities to implement the new system:
 - Recognising and compensating for historic under-resourcing.
 - Ensuring local authorities have both the time and the money to provide the evidence base - and the community engagement needed for co-design that would allow them to allocate 'growth' zones, otherwise they are just fantasy.

Re Neighbourhood Plans

A continuing commitment to Neighbourhood Planning is welcome, however, more investment is required to support communities, in order to meet both the technical requirements, and enable community participation. This should particularly focus on NPs in urban areas - as the vast proportion of NPs have been developed to date in parished rural areas.

Guidance on housing supply in NP areas should be provided, with a margin for flexibility over or under those numbers, to allow especially small sites to be developed. The greater % of CIL to be allocated to an area with a NP should be maintained. The status and weighting of NP's and their policies in relation to the adopted plan should be clarified as part of any reform.

Public sector equality duty

It is disappointing that no equality impact assessment has been carried out. Despite the claim that the Government is “mindful of its responsibility” in relation to its legal duty under s.149 of the Equality Act 2010, and the fact this is described as a white paper, there is no evidence that any steps have been taken to comply with this duty. The duty includes a “duty of inquiry” to find out the impact on groups with protected characteristics.

People with disabilities face more barriers than the general population, not just in terms of access to housing, but also every aspect of their interface with the built environment. Black, Asian and Minority Ethnic populations may face additional barriers due to correlation with relative income profiles and family size.

The PSED includes the particular duty to have due regard to meet the needs of people with disabilities, where they differ from the needs of those without disabilities. The white paper is silent on the integration of accessibility with development.

PSED also includes the duty to have due regard to the need to tackle prejudice and promote understanding. This may be particularly relevant, for instance, to the arrangements for affordable housing¹. Also with regard to Gypsy and Traveller provision - which the white paper has apparently been forgotten. There should be provision in every area.

The proposal should therefore not be taken forward without a full equality impact assessment.

¹ Affordable housing is social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices.

For a full definition of “affordable”, refer to GLA policy 3.10: <https://www.london.gov.uk/what-we-do/planning/london-plan/current-london-plan/london-plan-chapter-3/policy-310-definition>

Appendix 1: Lambeth's Current Housing Statistics

1. 3,533 households joined the housing register between 1/9/19 and 31/8/20.
2. 543 from housing register have been allocated social housing, and 186 existing tenant transfers (between 1/9/19 and 31/8/20)
3. According to the 2011 census, 14% of Lambeth households were overcrowded. Source: <https://data.london.gov.uk/dataset/2011-census-housing>
4. Current breakdown of the numbers of people on Lambeth's Social Housing Register, broken down by priority band and average time on the register:

Band	Number	Average Time on List (years)
A	2354	9.9
B	4712	5.5
C1	1895	5
C2	16257	6.5
D	8596	6.2

5. A total of 8,150 placed at least one bid for properties over the last two months (a total of 12,373 placed at least one bid over the last 12 months). This is broken down by bands below.

Band	2 months	12 months
A	333	539
B	1991	2571
C1	746	1088
C2	3857	5981
D	1223	2194

6. Since Covid-19, there has been an increase in single people applying as homeless due to no longer able to stay with friends, and of course reduction in private rented evictions due to the Government's eviction ban.