

Sutton Council's Response to the Planning White Paper and Associated Consultations

Indicative Timing: 15 minutes

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| Report Title | Sutton Council's Response to the Planning White Paper and Associated Consultations | | |
| Committee | Housing, Economy and Business Committee | | |
| Committee Date | 13 October 2020 | | |
| Committee Chair | Councillor Jayne McCoy | | |
| Report From | Simon Latham, Interim Strategic Director for Environment, Housing and Regeneration | | |
| Report Author(s) | Andy Webber Head of Development Management and Strategic Planning | | |
| Ward(s) Affected | All wards | | |
| Ambitious for Sutton priorities | Being Active Citizens Making Informed Choices | | |
| Open/Exempt | Open | | |
| Signed | p.p.  | Date | 6 October 2020 |

1. Summary

1.1. This report details:

- The proposals in the Government's *Planning for the Future* White Paper, published on 6 August 2020;
- How these proposals may affect the London Borough of Sutton; and
- Whether the proposals will affect the council's ambitions to improve and renew its physical environment, investing in and lobbying for transport infrastructure, providing homes and jobs, protecting our heritage and open spaces and creating sustainable and inclusive communities.

2. Recommendation(s)

- 2.1. To note the technical response to the *Changes to the Planning System* consultation, which accompanied the White Paper and closed on 1 October and the technical response to the White Paper consultation which closes on 29 October 2020
- 2.2. To agree a summary response to the consultation to be sent on behalf of the council.

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3. Background and Key Information

- 3.1. Sutton Council has a long and proud record of protecting the character of the borough both through local decision-making and by making its case through national and regional planning consultations.
- 3.2. The proposals in the *Planning for the Future* White Paper pose a number of potential risks to the character of the borough but also to effective resident involvement in the planning process. They may also have a detrimental impact upon other strategic plans including the Council's Ambitious for Sutton objectives, the Environment Strategy and Climate Emergency Response Plan.

Key proposals

Designated Areas and Automatic and Fast-Track Planning Permission

The White Paper proposes just three categories for designating land within Local Plans:

Growth Areas

- 3.3. These would be areas designated for substantial development. Sites within growth areas would have automatic outline planning permission provided they were in conformity with the council's agreed masterplan or design code for the area. This would mean that an application would, assuming it was in conformity with these parameters, be automatically granted approval subject to the consideration of technical details through an application at a later stage.

Renewal Areas

- 3.4. These would designate sites with a presumption in favour of development subject to being in conformity with the council's "pattern book" of approved designs, or design codes. Where an application is in conformity with the council's "pattern book", the would be fast-tracked. The tradition of the "pattern book" is explicitly commended in the White Paper as one that the Government seeks to revive.

Protected Areas

- 3.5. These would be areas such as Green Belt or Conservation Areas where any proposal would require planning permission.

The potential impact on Sutton's residents

- 3.6. The Government argues that this proposed three categories of designation will simplify local plans and the planning system. However, the proposals may inadvertently add complexity to the existing planning system and not simplify it. Evidence will still be needed to justify decisions on housing mix, retail demand, and employment demand. The three categories are not sufficient to capture the different architectural styles or existing

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densities within the London Borough of Sutton. It is likely that it will still be necessary to allocate sites for social infrastructure, such as health and schools. It is difficult to see how densification, even if "gentle, in Renewal Areas is compatible with protecting garden land.

- 3.7. There would be a general reduction of residents' opportunities to be involved in the planning process and raise concerns regarding specific planning applications. The only expansion of resident involvement envisaged in the White Paper comes during the preparation of a Local Plan.

National Development Management Policies

- 3.8. The White Paper proposes national development management policies for a number of land uses, possibly heritage, sustainable construction, and nature conservation, but the details are not known at present .

The potential impact on Sutton's residents

It will be very difficult to nationalise development management policies and these may lead to legal challenges and eventually planning by case law. In addition, both the White Paper and current National Planning Policy Framework (NPPF) seem to approach planning from the standpoint of a market town with a rural hinterland and consequently many of the issues that arise in suburban contexts are missed by the NPPF and have to be addressed in the Local Plan. The existing Local Plan process enables local residents to comment upon not only locally-tailored policies but also proposals to allocate sites for specific purposes. A national approach to development management policies would remove the scope for this.

Shorter and Speedier Local Plans

- 3.9. With national Development Management policies, the White Paper suggests Local Plans should be 2/3rds shorter and produced to a standard template. The White Paper also proposes that a Local Plan should be adopted within 30 months of the start of their preparation. This includes asking residents for a call for ideas and then comment when the plan is submitted for examination. The White Paper states that local authorities will encourage significant engagement.

The potential impact on Sutton's residents

The length of the Local Plan should be dependent on how many areas a borough has and how prescriptive the design codes are. The Sutton Local Plan would have been adopted within 30 months if the capacity of the Planning Inspectorate was greater. A second consultation with local residents prior to submission for examination is important to resolve issues and build consensus on the future planning for the Borough. This way, residents are consulted on clear policies which have local resonance and how certain sites should be developed. In the long term, the existing system is quicker than a future

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system where a protracted examination process would have to cover every unresolved issue.

Standard Methodology for Establishing Housing Requirement Figures

- 3.10. The Government pledged in its election manifesto to be building 300,000 new homes per year in the mid 2020s. The White Paper proposes a standardised methodology for calculating housing need which is based on household projections or existing housing stock and then two possible uplifts for unaffordability in a particular local authority area. The London Borough of Sutton is assessed as having a high household projection as well as both unaffordability uplifts. This means that the London Borough of Sutton has a housing need of 1,122 new homes per year under this proposed methodology compared to its existing housing Local Plan target of 427 new homes per year. The White Paper suggests a reduction in the need figure for Green Belt but adds no detail.

The potential impact on Sutton's residents

Housing targets should be based on household projections, subject to environmental constraints such as Green Belt, Metropolitan Open Land and Conservation Areas. The uplift in the proposed target resulting from the proposed new standardised methodology would have a severely negative impact on the Council's ability to ensure that the character of the borough, valued by its residents, can be protected. It would call into question how the distribution of development in different parts of the borough reflecting often very local characteristics could be managed in accordance with resident expectations

Digitalisation

- 3.11. The White Paper proposes considerable digitalisation within planning, such as more use of IT in submitting a planning application and interactive web-based planning documents.

The potential impact on Sutton's residents

The Council's Development Management service is already digitally-based. The Council already has an interactive [Policies Map](#).

Consolidated Community Infrastructure Levy

- 3.12. The White Paper proposes amalgamating Section 106 agreements, including those for affordable housing, and the Community Infrastructure Levy into one levy. It suggests setting the levy rate nationally and extending the levy to cover permitted development.
- 3.13. While there are benefits to a clearer system of planning obligations, more detail is needed before the proposals can be assessed. The levy rate should be set locally, not nationally, and there should be safeguards to ensure affordable housing delivery is not reduced. If

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the levy is not adequate to ensure that the delivery of affordable housing is not reduced, residents in need of affordable housing will have fewer prospects of being housed in accommodation suitable for their needs. A technical response has been prepared to this consultation and an accompanying consultation which proposes to temporarily lift the threshold for requiring affordable housing to schemes of 40-50 new homes (currently the threshold is 11 units). Both proposals would risk the deliverability of affordable homes in Sutton due to the lack of certainty around how the new Levy would capture this requirement whilst raising the threshold would mean many more housing schemes in Sutton would not have to provide any affordable housing.

4. Benefits to Sutton and its Residents

- 4.1 It is important that the Council provides a consultation response not only because of its track record of influencing national and regional government but also because the White Paper has considerable potentially negative implications for the residents of the London Borough of Sutton, which are summarised below.

5. Implications

- 5.1 Some of the probable disbenefits to residents if the the White Paper proposals became law and planning policy are as follows:
- A 263% increase in the housing target is likely to have a severely negative impact on the suburban character of the borough and make the borough a less pleasant place to work, live and raise a family.
 - Not speeding up the planning process
 - The granting of outline permission within Growth Areas through a new Local Plan will limit the ability of all residents to engage with the planning process.
 - The designation of large Renewal Areas across much of the borough, necessary to meet the housing target, allowing for the “densification” of suburban heartlands, will threaten the character of Sutton.
 - There is a lack of certainty or clarity over the provision of social infrastructure which is crucial if residents’ needs are to be met as growth occurs.
 - The potential loss of local designations, such as Areas of Special Local Character, Public Open Space and Urban Green Space, which are characteristics of the Borough valued by residents
 - National planning policies that do not take account of the special characteristics of the Borough
 - Much less scope to address the climate emergency due to the potential removal of the requirement for a Sustainability Appraisal of Local Plans to be replaced with a simplified process for assessing the environmental impact of plans, yet to be defined
 - Reduction of affordable housing delivery if the new levy is inadequate.
- 5.2 However, the biggest disadvantage to residents is the lack of input into the planning process. The proposed Local Plan process, which is envisaged does not give residents sufficient opportunity to comment on clear policy proposals until very late in the process.

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The proposals would significantly reduce the opportunity of residents to object to planning applications once a Local Plan is adopted.

6. Finance and Legal Commentary

Finance Comment

- 6.1. This report summarises the key aspects of the Government's White Paper and other proposed changes to the Planning System. As a consultation it is noted that it would also have to pass through Primary and Secondary Legislation and so the impact of changes would not be experienced until 2021-22 financial year at the earliest. The changes raise issues around the Council's ability to raise a suitable Infrastructure Levy that can deliver all the associated infrastructure required under such a model of Plan making, including the delivery of affordable housing. Whilst a higher rate of housing delivery raises the prospect of more income and Council tax, the uncertainty around how the new Infrastructure Levy would work in practice could potentially offset some of those benefits if the Council is required to fund infrastructure. The White Paper refers to ensuring there are resources for Planning Services in delivering this new model, but does not explain how or when this will happen, apart from suggesting that Local Plan and enforcement functions could be funded by the new Levy. There is, however, insufficient detail to explain how this can be achieved alongside the other benefits it is suggested the Levy would deliver.

Legal Comment

- 6.2. Any legal implications are addressed in the report.

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7. Appendices and Background Documents

7.1. Appendices

| Appendix Letter | Appendix Title |
|-----------------|----------------|
| N/A | N/A |

7.2. Background Documents

| Date of Expiry | Background Document |
|-----------------|--|
| 13 October 2024 | Planning for the Future White Paper Changes to the Current Planning System Consultation |

8. Audit Trail and Consultations

| Consultees | Yes/No | Officer | Date of Comments |
|---------------------------|--------|--|------------------|
| Finance | Yes | Richard Simpson Strategic Director of Resources | 30/09/20 |
| Legal | No | N/A | N/A |
| Version | | | Date |
| Corporate Management Team | | | N/A |
| Strategic Team | | | N/A |
| Draft | | | N/A |
| Final | | | 30/09/2020 |

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