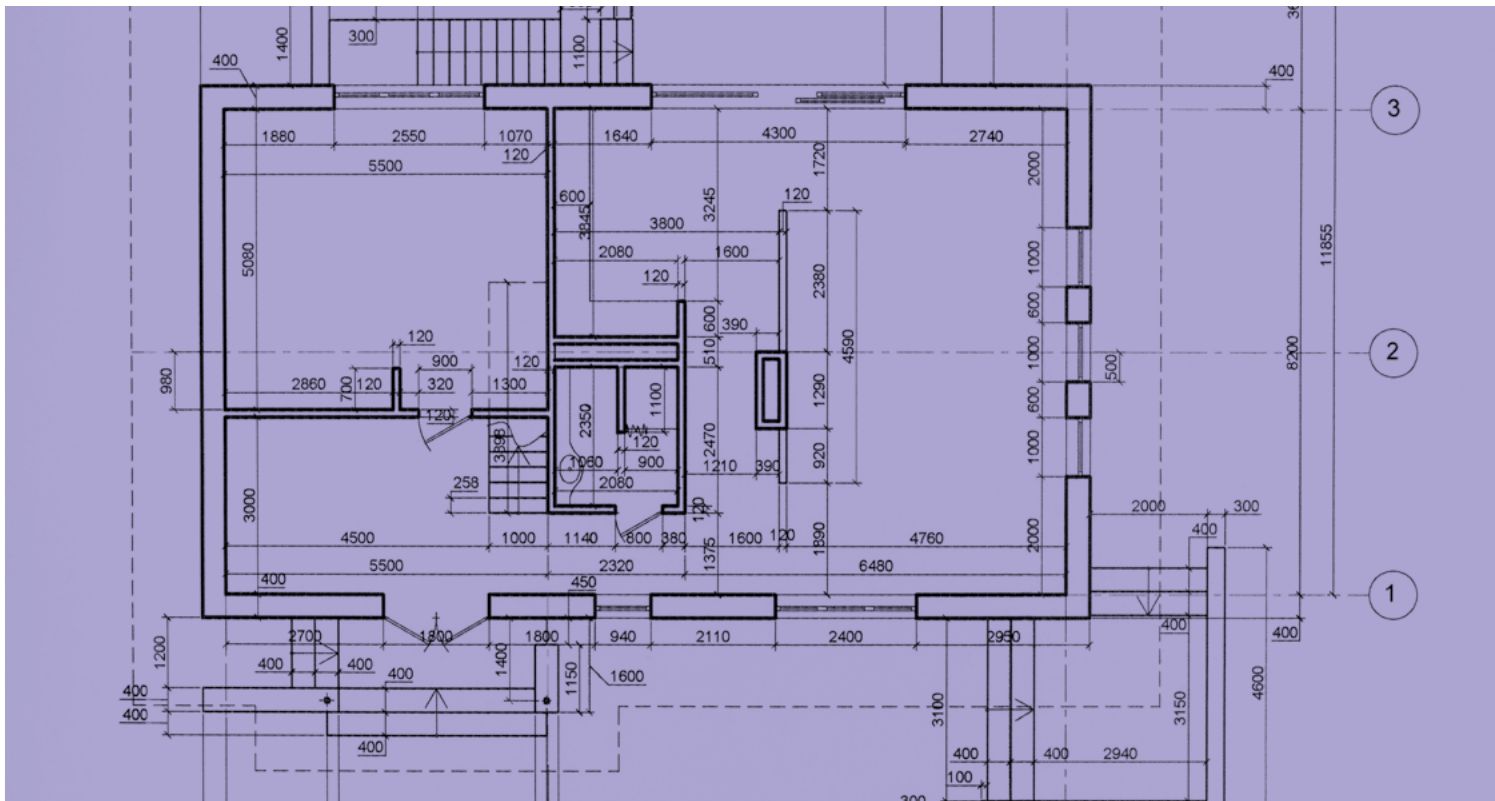




Planning for healthy and affordable homes in the future

Parliamentary briefing · November 2020



Chartered Institute of Environmental Health (CIEH)

CIEH is the professional voice for environmental health representing over 7,000 members working in the public, private and non-profit sectors. Building on its rich heritage, CIEH ensures the highest standards of professional competence in its members, in the belief that through environmental health action people's health can be improved.

Environmental health has an important and unique contribution to make to improving public health and reducing health inequalities. CIEH campaigns to ensure that government policy addresses the needs of communities and business in achieving and maintaining improvements to our environment and our health.

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Overview

Housing built today and in the future needs to capitalise on the potential to improve people's health and wellbeing, through good design, quality of build as well as being in an appropriate place. Housing that contributes to health and wellbeing of the nation will help to reduce costs to the NHS and to society in the long term. This means building a variety of homes in suitable places, including the right proportion of affordable homes and accessible housing for older people.

In this briefing we set out a selection of areas where we would like to see changes to the proposals in the Government's White Paper Planning for the Future.

Healthy and safe buildings

It is not clear how fast-tracking beautiful buildings would interact with other requirements such as sustainability and quality of the home. The White paper does not place any emphasis on creating new buildings that are healthy. Without addressing this central aspect, it is not clear how new buildings would support the wellbeing of future communities and create good places for people to live.

Unfortunately, important factors like noise, safeguarding health through minimum floor areas, natural lighting and ventilation, and designing for age, disability or family expansion are not even mentioned in the Planning White Paper.

Stronger enforcement of planning contraventions should be accompanied by better enforcement of building control to ensure final build quality. There have been many instances in recent years where new build homes have been found to be of a sub-standard quality once the homes are occupied.¹ The quality of new housing, in particular, needs a review and better enforcement.

We want to see healthy homes of a good and long-lasting quality and design as a central theme of a future planning system, considering the place and wider area as well as the individual building.

Permitted development

The Ministry for Housing Communities and Local Government (MHCLG) commissioned research into the differences between residential dwellings built via the permitted development route compared to normal planning route revealed that overall, the permitted development route seems to create worse quality residential units than the normal planning permission route.²

According to the White Paper, permitted development will continue to operate, including in protected areas. Environmental health practitioners (EHPs) have a duty to investigate complaints that relate to noise, odours, vibrations, overheating and other health and safety aspects of housing. Our members therefore tend to see the negative aspects of developments achieved via the permitted development route first-hand. This means that the local authority has to use resources to investigate and rectify problems with housing converted via the permitted development route, despite not being able to refuse planning permission.

We want to see the White Paper propose amendments to the permitted development process to ensure that all housing converted from other uses to residential helps to provide good quality homes.

If permitted development rights are to continue, these need to be accompanied by more stringent checks and powers to ensure quality of the housing being developed as well as appropriateness of the location for residential development. Many issues have resulted from residential conversions in inappropriate places.

Environmental impact assessment process

We are concerned by the proposals in the White Paper to simplify and speed up the environmental impact assessment process.³ Whilst there may be legitimate ways to streamline the process, we need assurance that important environmental health impacts are captured.

Environmental impact assessments are a key tool used by environmental health teams involved in the planning process to assess the viability and impact of a particular project on the health and wellbeing of future occupiers. This includes things like the local air quality, noise issues, unpleasant smells and odours, land contamination and water quality, amongst many other considerations. All of these issues, if not picked up at planning stage, will have a health impact on the occupants once the building is built and occupied. Local authorities will also have a duty to investigate many of these complaints. Therefore, a failure to deal with issues at the outset will incur a cost to the local authority and developers down the line.

We want to see a robust and comprehensive process in the future planning system to assess environmental health considerations at planning stage.

Public engagement

Proposals for more accessible public engagement are welcome but the overall ability of the public to be involved in planning decisions appears to be reduced. Faster decisions for all applications and presumed permission for development in 'growth' and 'renewal' areas leaves little or no room for local input into individual decisions.

Development within 'growth' zones would receive automatic outline consent whilst 'renewal' areas would have 'presumption in favour of development'.⁴ As a result, there would be no opportunity for either public consultation or assessment by local authority councillors or officers. Public involvement in this process would be limited to only 'detailed matters to be resolved' rather than being able to have a say on whether a particular building or development is appropriate in that locality.

We would like to seek clarification from the Government in which cases public engagement is likely to be reduced rather than enhanced.

Affordable housing, infrastructure levy and local authority resources

Whilst delaying payment of the infrastructure levy until occupation is good for developers, it means that local authorities would be taking on the financial risk, in the form of debt that they may not be able to repay. Many developments stall or are deliberately delayed by developers who wish to stagger sales to achieve maximum prices, meaning the local authority will not know when it will be able to repay debts taken out to invest in local infrastructure. There is also a mention in the White Paper that the levy could be reduced if the market deteriorates.

In addition, the White Paper says it will “continue to deliver on-site affordable housing *at least at present levels*”⁴ but removes Section 106 agreements. It also says that “authorities would be able to use funds raised through the levy to secure affordable housing” but states that the levy would only be collected at the point of occupation. This suggests that local authorities might need to borrow money to buy the units from the developers and wait until occupation to collect any agreed levy from developers.

Furthermore, we do not believe that that the Government has provided sufficient evidence that replacing the existing system of Section 106 agreements and the Community Infrastructure Levy with a consolidated Infrastructure Levy will deliver more or the same levels of social housing on-site.

Reforming the process for Section 106 to make it faster, more certain and more transparent could be more effective to deliver affordable housing. For example, by using existing local good practice and ensuring it is adopted more widely. Entirely replacing the existing system, instead of building on it, risks jeopardising what has become a vital tool for delivering social housing. It has taken several decades to get Section 106 to the point where it is delivering £4.7 billion in affordable housing value a year.⁵

We want to see a reformed Section 106 retained, an Infrastructure Levy to be collected earlier in the process and clearer targets and routes to increasing levels of affordable housing.

Local authority resources

We strongly disagree with the proposal to provide financial disincentives, to local authorities to ensure that speedy decisions are made on planning applications.⁶ Whilst timely decisions are beneficial, speeding up all decisions in this way can have negative consequences.

Furthermore, penalising a local authority when they lose appeals on decisions,⁷ is likely to deplete resources even further, by encouraging more appeals by all applicants. Resources at local authorities are already stretched and we are concerned that planning departments are likely to make poor quality decisions as a result of these proposals.

We want to see plans for maintaining adequate resources within local authorities to enable good quality planning decisions to be made, including the removal of proposals to penalise local authorities for slower decisions and the loss of appeals.

A standard method for assessing housing requirement figures

Like many other organisations, we are concerned that targets set centrally on levels of new housing to be built in a given area⁸ could have little or no consideration as to whether a particular local authority has the demand for extra housing and whether the scale of development is feasible in that locality. This assessment would be best conducted by the local authority itself, which has a good knowledge and understanding of their local area. There may be limitations in infrastructure that are not in the local authority’s gift to change, for example. Standardising assessments for housing requirements also removes any local input by local people.

We want to see house building targets set with the involvement of local authorities who are best placed to make decisions in their local areas.

References

1. [Builder Persimmon lacks minimum house standards, report finds](#), BBC News, 17 December 2019
2. [Research into the quality standard of homes delivered through change of use permitted development rights](#), MHCLG, July 2020.
3. Proposal 16, p.22 & 31, Planning for the Future, MHCLG, July 2020.
4. p.34, Planning for the Future, MHCLG, July 2020.
5. p.64, Planning for the Future, MHCLG, July 2020.
6. p.60, Planning for the Future, MHCLG, July 2020.
7. p.37, Planning for the Future, MHCLG, July 2020.
8. p.37, Planning for the Future, MHCLG, July 2020.
9. Proposal 4, Planning for the Future, MHCLG, July 2020.