

# **Response to the Public Committee on the Housing and Planning Bill 2015**

## Who we are

Levitt Bernstein is a multi-disciplinary architectural, landscape and urban design practice: established in 1968 and now based in London and Manchester. The founding partners, David Levitt and David Bernstein, were motivated by a desire to improve lives and strengthen communities through the provision of well-designed housing. That remains our motivation nearly 50 years later.

We now number more than 100 and housing accounts for about 70% of our current projects. While historically we designed mostly social housing, we now operate across all sectors. We have an active research team and evidence that poor quality housing is detrimental to personal health and wellbeing, undermines social cohesion and damages the environment is borne out by our own experience. We know that badly designed or badly built housing is a false economy and yet it remains prevalent.

Many of our current projects involve the demolition of relatively new housing: homes that are no longer fit for purpose despite being, at best, only fifty years old. Ironically, many of the homes considered most desirable today are actually much older than that. Despite being

older and colder, their enduring appeal is largely because they are buildings with design integrity – they remain durable, functional and attractive.

**There is nothing new about the belief in the value of good design, or the understanding that good design means how well something works and how long it lasts, not just how good it looks.**

The Roman architect Vitruvius wrote about ‘firmness, commodity and delight’ – a phrase that instinctively resonates with almost everyone. It is a great pity that over 2000 years later, our politicians appear to still doubt the value of good design and fail to make the link between the quality of our housing and the quality of our lives. The potential for good quality housing to improve the lives of more vulnerable people, and the long-term cost of not doing so is particularly striking.

## Our concerns about the Bill

No one would deny that we need more housing and we welcome that fact that housing is at the forefront of the government’s agenda. Lack of supply and unaffordability are undoubtedly the two key problems but we have a number of concerns about the measures proposed in the Bill.

### Our three primary concerns are as follows:

- That the emphasis is entirely on quantity not quality.
- That the emphasis on home-ownership undermines the prospects of those who will remain unable to afford to buy.
- That the government is introducing too many changes, and at a rate that does not allow for the consequences to be fully considered, and imposing them on an industry that relies on the ability to plan ahead with reasonable certainty.

We offer further thoughts on some of the main measures proposed.

### Starter Homes

**We support the intent to help first-time buyers but we question whether the starter homes programme is the best way to do that.**

The volume house-builders already focus heavily on the first-time buyer market while failing to address the housing needs of other groups, such as older people. The widely held perception that young buyers need new homes is unfounded and illogical.

Very little of our existing older stock meets the practical needs of older and disabled people. It would therefore make more sense for government to incentivise the building of affordable retirement housing; releasing family homes to younger households for whom step-free access is less critical.

From a quality perspective, we are concerned that there is no definition of a starter home except for the discounted price cap (£450,000 in London and £250,000 elsewhere). This two-tier cap is extremely simplistic. **In some parts of**

**London, land values are so high that no homes can be built for £450,000. Outside the capital, £250,000 will buy a four-bedroom house in parts of the north east,** while in Cambridge (where affordability is worse than in London) it is unlikely to secure even a one bedroom flat.

Without defined parameters, the quality of these new homes is likely to be extremely variable. In many areas, demand, and therefore competition for land, will lead to small, poor quality homes, which (like much of the housing built in the 80’s) may not be fit for purpose in thirty years’ time; let alone the hundred year life we should be achieving.

Their eligibility as ‘affordable housing’ is equally worrying. Many developers will choose to provide starter homes for sale, rather than affordable homes for rent. This will worsen the situation for those who are unable to buy. We would be particularly concerned if local authorities were not permitted to specify the type or mix of housing they need and were forced to accept starter homes instead of homes for affordable and social rent.

Paragraph 50 of the National Planning Policy Framework (NPPF) requires local authorities:

*‘To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:*

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time’.





In order to meet this objective, local authorities must be in control of the size and type of housing that gets built.

**All forms of affordable housing, particularly those that receive public subsidy, should be protected for future generations.**

As well as failing to help those with the highest housing need, the starter homes programme will allow many already relatively well-off, would-be buyers to make a significant profit simply by selling-on at market value, five years later. Even without inflation, these owners will realise £112,500 profit from the sale of a £450,000 home at full market value. With inflation at current levels, this figure is very likely to be doubled to £225,000 – all as a direct result of public subsidy.

## Permitted development and Permission in Principle

**(including the conversion of offices to residential use, the addition of extra storeys and 'zonal' planning for brownfield land)**

The planning system exists to prevent unacceptable development and encourage quality in the built environment. We believe that the planning system could, and should, be considerably improved, but we do not agree that the planning process should be bypassed in the manner proposed in the Bill.

Many important quality standards are currently applied or invoked through local planning policy. These include requirements for parking, cycle storage and outdoor space, as well as standards for internal space and daylight. History tells us that even basic attributes, such as these, will not always be delivered unless developers are specifically required to provide them.

We have seen recent examples of 'apartments' of less than 14m<sup>2</sup>, as a result of Permitted Development applied to an office to residential conversion. The 'apartment' plans show a double bed, small sofa, sink, hob, shower and WC squeezed into a room the size of a typical double bedroom. There is no internal storage and no external amenity space. We are concerned that the current drive for numbers is actively encouraging this form of sub-standard development. It would be a serious mistake to make this

form of Permitted Development permanent.

The proposal to permit additional storeys to be added without the need for planning permission is also misguided. Unless planned in from the start, very few buildings can be extruded in this way without looking ugly or incongruous. We have seen a number of insensitive examples that have visibly destroyed the streetscape and failed to yield decent housing.

We have similar concerns about the proposed 'Permission in Principle' for development on brownfield sites. Under the proposed definition, a very large number of sites could be classified as brownfield – and once again, the risk in a competitive market, is that they will be built as cheaply as possible, fail to produce a decent living environment and become prematurely obsolete. The Bill contains passing reference to 'technical details consent' but there is no explanation of what this means, and no mention of good design, despite Paragraph 58 of the NPPF which requires that:

*'Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:*

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and

- are visually attractive as a result of good architecture and appropriate landscaping'.

We are unable to see how these outcomes can be assured in Permitted Development or on sites granted Permission in Principle, and feel that both of these approaches also work against localism and the democratic process that the planning system embodies.

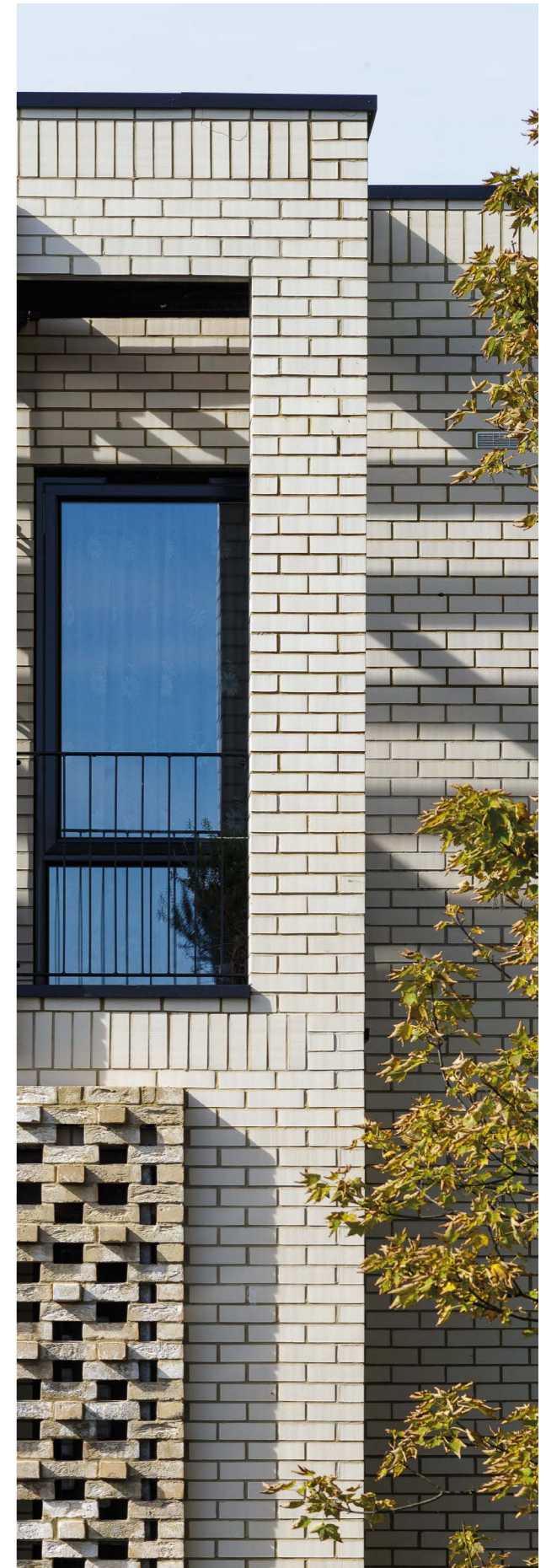
## The extension of Right to Buy to housing association tenants

**Our view is that homes that have received public subsidy in order to make them affordable for those who have limited means and choice, should remain affordable.**

Despite the existing policy of one-for-one replacement with Right to Buy, in practice we are falling well short of this promise. The NHF reports that replacement is below 50% and other organisations put the figure considerably lower. We have no confidence that this will change and believe that residents who wish to become homeowners, and can afford to do so, should be given some financial assistance to buy a house on the open market. This would be much more cost effective than compensating housing associations that sell off homes that have been part-funded through public subsidy, at very large discounts.

We can see the benefit of selling off some of the highest value rented homes when they become vacant but believe that housing associations and councils will do this naturally as they have so few other means by which to raise capital.

In respect of quality, we feel that any replacement housing should be designed for a 100-year life and that 'one-for-one' should relate to the number of bed spaces, not the number of dwellings. This would ensure that there is no net loss of housing capacity. Without this safeguard, we fear that a home with five or six bedrooms may be sold off and replaced by a one bedroom flat or studio.





# How we would like the Bill to be amended

We urge the government to think again about these proposed measures, to take more time and to listen more carefully to experts across the housing industry before rushing through a series of measures that seem certain to worsen the housing situation for the most vulnerable people.

**In particular, we urge the government to think again about how taxpayer's money is spent, public land is used, and homes that have been subsidised by public funding are dealt with.**

We offer some specific suggestions below:

## Starter Homes

1. Introduce a banded price cap for starter homes that is more closely related to local land value and house prices.
2. Require that starter homes have a maximum of two bedrooms and four bed spaces (to ensure that first time buyers are not receiving subsidy for large, 'luxury homes), but are still designed to a good standard (i.e. meet the new national space standard, have good daylight, privacy and soundproofing, outdoor space and cycle storage).
3. Close other potential loopholes by ensuring robust valuations that prevent developers from raising the initial price artificially, take steps to prevent sub-letting etc.
4. Grant local authorities the freedom to determine the type and mix of affordable housing they need. Allow them to specify the % of social rent, affordable rent, shared ownership or starter homes they require, and limit starter homes to a maximum of 25% of the affordable housing element of any new development.
5. Protect the status of starter homes as 'affordable housing' in perpetuity. When they are sold on, either require the owners to sell to other eligible first time buyers at 80% of market price, or to return 20% of the re-sale price to the public purse for re-investment in replacement affordable housing.
6. Incentivise the provision of new homes for older people to encourage the release of second-hand homes to younger buyers instead of, or as well as, supporting starter homes.

## Permitted development

**(including the conversion of offices to residential use, the addition extra storeys and 'zonal' planning on brownfield land)**

7. End Permitted Development Rights for office to residential conversions, and replace this with a 'presumption in favour'. Implement a light-touch, fast-track planning process that simply requires applicants to demonstrate that the building is capable of being converted to good quality housing and that the type of living accommodation is appropriate to the location and responds to local need.
8. Permit or encourage the demolition of a redundant office building where a new-build solution would produce better housing. Adopt the same 'presumption in favour' and fast track planning process.
9. On brownfield land, replace the proposed 'Permission in Principle' with 'presumption in favour', and adopt a similar fast-track approach where it is evident that the proposed new housing meets local need, is good quality and is adequately served by public transport and other essential social infrastructure such as open space, schools and health centres.

## The extension of Right to Buy to housing association tenants

10. Abandon Right to Buy, and instead provide subsidy (through councils and housing associations) to allow tenants who have rented for at least five years, to buy a home on the open market at 80% of market value. Alternatively, if there is a determination to retain Right to Buy, ensure one-for-one replacement of bed spaces, not homes, review the situation every two years and agree to terminate the policy if the replacement target is not met.





**London**  
1 Kingsland Passage  
London E8 2BB  
+44 (0)20 7275 7676

**Manchester**  
3rd Floor HQ Building  
2 Atherton Street, Manchester M3 3GS  
+44 (0)161 669 8740

**[levittbernstein.co.uk](http://levittbernstein.co.uk)**