

Local Plan Committee

Item
10

27 March 2017

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| Report of | Head of Commercial Services | Author | Karen Syrett 01206 506477 |
| Title | Fixing our Broken Housing Market | | |
| Wards affected | All | | |

The Local Plan Committee is asked to discuss the Housing White Paper – Fixing our Broken Housing Market, along with other documents published on 7th February to inform the Council's response

1. Decision(s) Required

- 1.1 To discuss the Housing White Paper – Fixing our Broken Housing Market, along with other documents published on 7th February, to inform the Council's response.

2. Reasons for Decision(s)

- 2.1 The Council has the opportunity to influence emerging Government Policy.

3. Alternative Options

- 3.1 The Committee could decide not to respond to the consultation.

4. Supporting Information

- 4.1 The Government believes that the “housing market in this country is broken, and the cause is very simple: for too long, we haven't built enough homes. Since the 1970s, there have been on average 160,000 new homes each year in England. The consensus is that we need from 225,000 to 275,000 or more homes per year to keep up with population growth and start to tackle years of under-supply.”
- 4.2 In February the Government published a White Paper (Fixing the Broken Housing Market) and other documents aimed at addressing this issue. They identify three major problems to building enough new homes;
 - The fact that 40% of local authorities do not have an adopted local plan that meets projected growth
 - Development takes too long to get off the ground
 - The very structure of the housing market makes it harder to increase supply.
- 4.3 The White Paper sets out their solutions to the problems which are summarised below.

4.4 Housing Delivery Test

While many key elements of the Housing White Paper are still under development, one significant policy change will affect local planning authorities before the end of this year. From November, a housing delivery test will require local planning authorities to see the homes in their Local Plan delivered, not just planned for.

4.5 Where authorities have an up-to-date plan, the new test will measure their housing delivery against local plan housing targets, the white paper states. But for authorities with plans that are more than five years old, delivery will be measured against latest household projections until a new standardised methodology for assessing housing need is introduced in April 2018.

4.6 From November 2017, if delivery of housing falls below 95% of the authority's annual housing requirement, the LA should publish an action plan; if delivery of housing falls below 85%, LAs would also add a 20% buffer to their five-year land supply (if not already done so). The action plan will set "out its understanding of the key reasons for the situation and the actions that it and other parties need to take to get home-building back on track", the white paper says. The detail of such action plans is unknown.

4.7 The white paper also says that tougher sanctions will be introduced under the test from the end of next year;

- From November 2018, if delivery falls below 25% of housing requirement, the presumption in favour of development would apply automatically
- From November 2019, if delivery falls below 45% the presumption would apply.
- From November 2020, if delivery falls below 65% the presumption would apply.

4.8 Making assessments under the test against household projections means that the performance of some authorities without up-to-date plans may be measured against targets that are less stretching than they would be if they had a plan in place.

4.9 For Colchester the Local Plan target is 920 dwellings a year whereas household projections = 800 dwellings a year (based on 2014 household projections 2018 – 2033) 12,000 households are projected to be required in the 15 year period. However, it's not that simple because the lower target doesn't take account of affordable needs. There are also issues with the household projections because just before the White Paper CLG handed them to ONS – who launched a consultation into their method. So these may well change.

4.10 Density

The government's Housing White Paper proposes increasing development density, representing a significant change in policy direction. Six years ago, former secretary of state Eric Pickles culled a raft of policy and guidance designed to encourage denser development, most notably PPG3 guidance on housing, which had set a general minimum development density of 30 homes per hectare.

- 4.11 Supporters of higher development density say that it not only allows more homes to be delivered on less land, but it also, if designed well, can result in "walkable" neighbourhoods that can sustain public transport and local shops. Since the cancelling of PPG3 the average development density appears to have fallen from 43 dwellings per hectare in 2011 to 30 in 2015-16, though a change in methodology means the figures are not exactly comparable, with developers moving back to building homes rather than flats.
- 4.12 The document proposes amending the National Planning Policy Framework (NPPF) to make it clear that both plans and individual applications should make efficient use of land, look to push higher densities around transport hubs, deliver densities in keeping with local character and allow flexibility in applying other policies that might lower densities. It also suggests introducing "indicative" density standards for different types of location, and amending planning guidance to support greater density, particularly by proposing a new approach to deal with daylight considerations. It proposes a less prescriptive approach than PPG3 did.
- 4.13 The government will not define in policy the "commuter hubs" around which density will be particularly encouraged, leaving it to local authorities to decide, and developers to make their case for more density in other areas.
- 4.14 Local Plans
The white paper also reveals that the government will consult "at the earliest opportunity this year" on options for introducing a standardised approach to assessing housing requirements, one of the key recommendations of last spring's Local Plans Expert Group (LPEG) report. The results will be fed into forthcoming revisions of the National Planning Policy Framework. This will hopefully add clarity and certainty to the process. The methodology will incorporate;
- A new approach in place by April 2018
 - Expected to be consistent across all planning authorities
 - Will provide baseline for housing land supply numbers and housing delivery test (covered above)
 - Will expect clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people
- 4.15 There will be a requirement for Local Plans to be reviewed every five years. Local Plans must cover the Local Planning Authorities' area but can also cover a wider area. This is expected to open the way for more joint local plans.
- 4.16 Small sites: at least 10% of the sites allocated for residential development in local plans should be sites of half a hectare or less; in addition to 10% of homes in Local Plans will be on 'windfall' sites for small builders.
- 4.17 Housing land supply will be produced and fixed once per year by district councils and agreed with developers (both large and small).

- 4.18 Other measures to support the delivery test include;
- Builders will be required to provide more data on their completions and build out rates.
 - DCLG to increase the transparency and quality of data it publishes on delivery against plan targets
 - Require large housebuilders to publish aggregate information on build out rates (subject to consultation).

4.19 Planning permissions

There are various measures explored in the paper relating to planning permission. These are summarised below;

- The length of time developers can hold a planning permission before it expires will go down from three to two years (following consultation)
- The white paper reveals that local authorities will be able to increase fees by 20 per cent from July 2017 if they "commit to invest the additional fee income in their planning department". A further 20% can be added for authorities 'delivering the homes people need' – likely to mean seeing housing number in their local plan built out
- There are plans to consult on introducing a fee for making a planning appeal
- Local planning authorities (subject to consultation) will take into account the delivery record of developers when deciding whether to grant them a planning consent.
- Greater weight should be attached to the value of using suitable brownfield land within settlements for homes.
- The test of planning obligations will be strictly adhered to and pre-commencement conditions can only be used if they are agreed with developers in advance.
- Local authorities will need to work with Natural England to test district wide the best habitats for Great Crested Newts, so developers don't need to.

4.20 Starter Homes

Ministers have dropped plans to impose a legal duty on councils to ensure provision of at least 20 per cent Starter Homes on all reasonably sized development sites. The white paper says ministers have "listened to concerns" that a mandatory 20 per cent requirement would "impact on other affordable homes". The DCLG's analysis of consultation responses, released with the white paper, reveals that 78 per cent of respondents preferred the requirement to be set at local level, while two-thirds of councils would rather set their own site size thresholds.

- 4.21 Instead, the government is proposing to amend the National Planning Policy Framework to introduce a "clear policy expectation" that councils seek to ensure that at least ten per cent of all homes on schemes of ten or more units or 0.5 hectares upwards are affordable home ownership products. "It will be for local areas to work with developers to agree an appropriate level of delivery of Starter Homes, alongside other affordable home ownership and rented tenures," the white paper explains.

4.22 Annual Housing Supply

The white paper says that the government will give local authorities the opportunity to have their housing land supplies agreed on an annual basis, and fixed for a one-year period.

4.23 Community Infrastructure Levy

A government-commissioned review published alongside the white paper recommends that the Community Infrastructure Levy should be replaced with a "hybrid system" of a low level tariff for all developments and section 106 for larger developments. The Review Panel found that CIL was failing to bring in anything close to what it should and have recommended the abolition of CIL and its replacement with a hybrid system where by all development (with no exceptions) contributes towards a Local Infrastructure Tariff (LIT). This is to be set intentionally low through a formula to be developed by national government. Larger developments would then also be subject to S.106, where some slight amendments and clarifications are requested including the removal of the pooling limit. The white paper however says that the government "will examine the options for reforming the system of developer contributions including ensuring direct benefit for communities" and will respond to the CIL review and "make an announcement at Autumn Budget 2017."

4.24 Compulsory Purchase and Measures to boost build out rates

The white paper says that the government intends to encourage "more active use of compulsory purchase powers to promote development on stalled sites for housing" as part of a raft of measures to ensure that planning permissions are built out. It added that the government is "interested in views on whether an applicant's track record of delivering previous, similar housing schemes should be taken into account by local authorities when determining planning applications for housing development."

4.25 Permitted Development

The government is to consult on a new agricultural to residential permitted development right and will amend planning guidance regarding farmshops, polytunnels and on-farm reservoirs to "better support" such development, documents published alongside the white paper reveal.

4.26 Other Measures

- The Homes and Communities Agency to become Homes England and to help with simplified compulsory purchase orders.
- Internal space standards to be reviewed (expected to make them smaller)
- Consult on improving the transparency of land options.
- Legislate to allow locally accountable New Town Development Corporations.
- New guidance, following consultation to encouraging LAs to use compulsory purchase powers to support the build out of stalled sites.
- Changes to the way Government supports training in the construction industry.
- Use Accelerated Construction Fund and Home Builders' Fund to create opportunities for using modern methods of construction.

Accelerated Construction Fund also used for partnering with SME firms as partners and contractors

4.27 Funding

Details were published of various funding schemes to support housebuilding;

- Launch a new £45m Land Release Fund
- £25m of new funding to help authorities to plan for new homes and infrastructure
- Target £2.3bn Housing Infrastructure Fund at the areas of greatest housing need and open it to bids in 2017, with money available over the next four years.
- £1.2bn Starter Home Land Fund to support preparation of brownfield sites

4.28 Home Ownership and Renting

In April 2017, the Government will introduce the Lifetime ISA. This will support younger adults to save flexibly for the long term. They are also considering the future of the Help To Buy scheme beyond 2021.

4.29 Starter Homes will be required to be bought with a mortgage to stop cash buyers and there will also be a 15 year repayment period for a starter home.

4.30 One of the proposed amendments to the NPPF is the introduction of a clear policy expectation that housing sites will deliver a minimum of 10% affordable home ownership units. Whilst a national minimum standard provides certainty and will ensure delivery, home ownership products are not generally considered to be 'affordable' to those in housing need in Colchester.

4.31 The government intends to amend planning policy to make it easier for developers of purpose-built developments for the rental market to offer affordable private rented homes instead of other forms of affordable housing, the white paper reveals.

4.32 Other measures include proposals to consult early this year, ahead of bringing forward legislation as soon as Parliamentary time allows, to ban letting agent fees to tenants. They also want to ensure that family-friendly tenancies of three or more years are available for those tenants that want them.

4.33 Appendix 1 contains a detailed structure to the document.

5. Proposals

5.1 The Local Plan Committee is asked to discuss the content of the Housing White Paper, the changes to the National Planning Policy Framework, and the Build to Rent consultation document. Comments will be used to inform the Portfolio Holder report(s) which will agree the response to be sent to DCLG.

5.2 Many of the changes involve amendments to the National Planning Policy Framework. The Government intends to publish a revised Framework later this year, which will consolidate the outcome from the previous and current consultations. It will also incorporate changes to reflect changes made to national policy through Written Ministerial Statements since March 2012. A list of key amendments to the NPPF which are expected in the summer are included as Appendix 2.

5.3 The questions and initial officer thinking is attached as Appendix 3.

6. Strategic Plan References

6.1 Effective strategic planning supports the Strategic Plan Action Plan which includes a commitment to make Colchester a vibrant, prosperous, thriving and welcoming place.

7. Consultation and Publicity

7.1 Consultation is being undertaken by the Department of Communities and Local Government and will run until the 2nd May 2017. There are 38 questions. In addition the Government is also consulting on 'Planning and Affordable Housing for Build to Rent'. There are 26 questions in this document and the consultation closes on the 1st May.

7.2 The Councils response is not expected to attract significant publicity.

8. Financial Implications

8.1 None.

9. Equality, Diversity and Human Rights Implications

9.1 An Equality Impact Assessment has been prepared for the Local Plan and is available to view by clicking on [this link](#) or go to the Colchester Borough Council website www.colchester.gov.uk and follow the pathway from the homepage: Your Council > How the Council works > Equality and Diversity > Equality Impact Assessments > Commercial Services > Planning Policy > Local Plan.

9.2 There are no particular Human Rights implications.

10. Community Safety Implications

10.1 None

11. Health and Safety Implications

11.1 None

12. Risk Management Implications

12.1 None.

13. Disclaimer

- 13.1 The information in this report was, as far as is known, correct at the date of publication. Colchester Borough Council cannot accept responsibility for any error or omission.

Appendix 1

Detailed structure of the document

Four steps:

1. Planning for the right homes in the right places
 - a. Need for up-to-date and ambitious plans
 - b. Simplify plan making
 - c. Honest assessment of need for new homes
 - d. Transparency of land ownership
 - e. Maximising land availability
 - i. Brownfield
 - ii. Surplus public sector land
 - f. Strong protection for Green Belt
 - g. Giving communities a stronger voice
 - h. Better use of land
 - i. Higher densities
2. Building homes faster
 - a. Greater certainty where new homes planned for
 - i. Reduce scope for changing way available land assessed
 - b. Boosting local capacity and capability to deliver
 - i. Increase speed and quality of planning cases
 - ii. Deterring unnecessary appeals
 - c. Targeting infrastructure
 - i. £2.3bn housing infrastructure fund
 - d. Timely connection to utilities
 - e. Quicker build out
 - i. Planning conditions (3 years to 2 years from permission)
 - ii. Strategic licensing of protected species
 - iii. New way of developers contributing to infrastructure
 - f. Hold developers to account for delivery
 - i. Transparent data
 - g. Hold local authorities to account
 - i. Housing delivery test
3. Diversifying the market
 - a. Help SME builders to grow
 - i. Home Building Fund
 - b. Support custom-build

- i. Access to land and finance
 - c. Bring in new contractors
 - i. Accelerated Construction Programme
 - d. Encourage institutional investors
 - i. More homes for rent
 - ii. Family friendly tenancies
 - e. Support Housing Associations and Local Authorities to build more
 - f. Role of public sector
 - i. More building by councils
 - ii. Change the HCA
 - g. Productivity and innovation
 - i. Modern methods of construction
- 4. Helping people now
 - a. Support to buy own home
 - i. Help to Buy
 - ii. Starter Homes
 - b. Affordable Homes Programme
 - c. Making renting fairer for tenants
 - d. Transparency for leaseholders
 - e. Improve neighbourhoods
 - i. Empty homes
 - ii. Areas affected by second homes
 - f. Housing that meets future needs
 - g. Sustainable and workable approach to funding supported housing
 - h. More to prevent homelessness

Appendix 2 – Revisions to the NPPF

- adopting a standardised approach to assessing housing requirements
- requiring local authorities to prepare Statements of Common Ground on working together to address housing requirements
- allowing Spatial Development Strategies to allocate strategic sites for housing
- allowing the Secretary of State to direct a group of authorities to produce a joint plan
- amending the test for a 'sound plan' to one of producing 'an' appropriate strategy rather than 'the most' appropriate strategy
- requiring local authorities to address the housing requirements of groups with particular needs such as the elderly
- attaching great weight to the re-use of suitable brownfield sites for housing
- expecting local and neighbourhood plans to define design expectations for new homes
- confirming the potential to build higher-density housing around train stations and other public transport nodes
- giving much stronger support for 'rural exception' sites
- giving local authorities the opportunity to agree housing land supply on an annual basis

- encouraging local authorities to consider how likely a site is to be developed when deciding whether to grant planning permission
- encouraging local authorities to shorten the timescales for implementing planning permission
- requiring local authorities to plan for rented property where there is need
- defining when it is appropriate for local authorities to amend Green Belt boundaries
- encouraging a more proactive approach to bringing forward new settlements in their plans
- amending the definition of affordable housing, including provision for Starter Homes, and ensuring that a minimum of 10% of all homes on a site are affordable
- clarifying the status of endorsed recommendations of the National Infrastructure Commission.

Appendix 3 – Consultation on Housing White Paper

Planning Policies

Question 1

Do you agree with the proposals to:

- a) Make clear in the National Planning Policy Framework that the key strategic policies that each local planning authority should maintain are those set out currently at paragraph 156 of the Framework, with an additional requirement to plan for the allocations needed to deliver the area's housing requirement?
- b) Use regulations to allow Spatial Development Strategies to allocate strategic sites, where these strategies require unanimous agreement of the members of the combined authority?
- c) Revise the National Planning Policy Framework to tighten the definition of what evidence is required to support a 'sound' plan?

CBC response –

- a) *The word 'allocations' could be added to the existing text which states that "This should include strategic policies **and allocations** to deliver:*

- *the homes and jobs needed in the area...'*

It is equally important to have allocations to meet other strategic requirements.

b) *Agree*

c) *Agree – although a proportionate evidence base has been a requirement for some time, it is not clear what this means in reality. The costs of producing and updating an extensive evidence base are prohibitive and certainly act as a disincentive to producing a new plan or undertaking a partial review.*

Question 2

What changes do you think would support more proportionate consultation and examination procedures for different types of plan and to ensure that different levels of plans work together?

CBC response – where there is a higher level plan in place such as a spatial development plan, the consultation requirements for local plans and neighbourhood plans could be reduced.

Neighbourhood Plans should be allowed to proceed in advance of a Local Plan even where "in combination" effects might need to be addressed, where the neighbourhood plan on its own will not have any significant effects.

Question 3

Do you agree with the proposals to:

- a) amend national policy so that local planning authorities are expected to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people?

- b) from early 2018, use a standardised approach to assessing housing requirements as the baseline for five year housing supply calculations and monitoring housing delivery, in the absence of an up-to-date plan?

CBC response –

a) The Council agrees that policies should be in place for all groups of people, including those with special needs. The evidence to support this should be included in the proposed standardised approach to assessing housing requirements. Failure to do so will add to the evidence base requirements and contradict the aspiration referred to above for a proportionate evidence base.

b) The Council welcomes a standardised approach to assessing housing requirements. This will help deliver consistent outcomes and provide certainty for all. It may also reduce the number of appeals which cause delay and take up valuable resources. The Council also welcomes the acknowledgement that 'In specific circumstances where authorities are collaborating on ambitious proposals for new homes, the Secretary of State would be able to give additional time before this new baseline applies.'

There is a concern that the April 2018 date for the standardised approach is not sensible unless it reasonably aligns with the next round of household projections. The 2014 projections were published in July 2016 which would mean the April 2018 set would have a shelf life of only 3 months.

Question 4

Do you agree with the proposals to amend the presumption in favour of sustainable development so that:

- a) authorities are expected to have a clear strategy for maximising the use of suitable land in their areas?;
- b) it makes clear that identified development needs should be accommodated unless there are strong reasons for not doing so set out in the NPPF?;
- c) the list of policies which the Government regards as providing reasons to restrict development is limited to those set out currently in footnote 9 of the National Planning Policy Framework (so these are no longer presented as examples), with the addition of Ancient Woodland and aged or veteran trees?
- d) its considerations are re-ordered and numbered, the opening text is simplified and specific references to local plans are removed?

CBC response –

a) b) and d) The Council agrees with the amendments

c) *Some flexibility should be retained for unforeseen circumstances and for consistency in relation to those LA's are collaborating on ambitious or large scale new developments where prematurity would be a strong reason for not implementing the presumption (see para. A.22 of Fixing the Broken Housing Market)*

Land

Question 5

Do you agree that regulations should be amended so that all local planning authorities are able to dispose of land with the benefit of planning consent which they have granted to themselves?

CBC response – The Council agrees that regulations should be amended so there is consistency and all local planning authorities, including those in two tier areas, are able to dispose of land with planning consent.

Question 6

How could land pooling make a more effective contribution to assembling land, and what additional powers or capacity would allow local authorities to play a more active role in land assembly (such as where 'ransom strips' delay or prevent development)?

CBC response - The land pooling is an interesting point and whilst in principle it sounds like a good idea to move forward development it might not take account of individual site profits that a landowner might want to achieve from their bit of land. In terms of barriers, the value issue might prevent landowners from getting involved especially if the idea is to sell plots off cheaply with planning.

Notwithstanding the above, the relaxation of the General Disposal Consent in any way is bound to have a positive effect on the ability to bring forward sites, particularly those which have other barriers to development. It means the Local Authority can work more closely with landowners in a transparent way to ensure plots in local areas are brought forward

Question 7

Do you agree that national policy should be amended to encourage local planning authorities to consider the social and economic benefits of estate regeneration when preparing their plans and in decisions on applications, and use their planning powers to help deliver estate regeneration to a high standard?

CBC response - Agreed

Housing

Question 8

Do you agree with the proposals to amend the National Planning Policy Framework to:

- a) highlight the opportunities that neighbourhood plans present for identifying and allocating small sites that are suitable for housing?;
- b) encourage local planning authorities to identify opportunities for villages to thrive, especially where this would support services and help meet the authority's housing needs?;
- c) give stronger support for 'rural exception' sites – to make clear that these should be considered positively where they can contribute to meeting identified local housing needs, even if this relies on an element of general market housing to ensure that homes are genuinely affordable for local people?;
- d) make clear that on top of the allowance made for windfall sites, at least 10% of sites allocated for residential development in local plans should be sites of half a hectare or less?;
- e) expect local planning authorities to work with developers to encourage the sub-division of large sites?; and
- f) encourage greater use of Local Development Orders and area-wide design codes so that small sites may be brought forward for development more quickly?

CBC response;

- a) The NPPF should highlight the opportunities that neighbourhood plans have for allocating sites of all sizes – not just small sites*
- b) Most Councils already encourage villages to thrive – where is the evidence that this is not the case?*
- c) Colchester Borough council agrees with the existing approach in the NPPF regarding Rural Exception Sites. The Council has a local policy which reflects this and delivered two schemes based on this approach. There are however instances of Local Plans being found sound where this approach has not been adopted; there is a need for consistency.*

The policy could go further though and allow for the inclusion of local needs housing as part of larger site allocations. Local communities are more accepting of development where they see it can deliver homes for local people and of a type that is required locally.

- d) *The Council strongly disagrees that 10% of all sites allocated should be small sites of 10 units or less (on top of windfalls). Providing that a LPA can demonstrate that it has identified sufficient sites and that it is delivering new homes to meet local needs there should not be a restriction on the size of site. This could act as a barrier to new housing development and be completely at odds with the underlying intentions of the paper, to deliver more houses. Small and medium sized developers tend to be very successful at securing permission on small sites through identifying them themselves rather than relying on allocations in local plans. Allocations immediately puts prices up which can be out of reach of many small and medium developers.*
- e) *As above, where Councils are allocating and delivering new homes, they should not intervene in the market. This proposal could undermine the delivery of new housing as developers hold their sites back.*
- f) *The use of Local Development Orders and area-wide design codes requires extra resources, which may not be available within LA's.*

Question 9

How could streamlined planning procedures support innovation and high-quality development in new garden towns and villages?

CBC response – the Council welcomes the support given to new Garden Communities. New legislation and a focus on the provision of infrastructure to support these communities will help to deliver large scale house building in a number of locations.

It is however difficult to identify how procedures could be streamlined when dealing with such large scale developments. Any rationalisation is likely to be detrimental to community engagement and could undermine the vision for an area through a lack of policy or detail.

The use of locally led Development Corporations would solve many of the problems identified in the White Paper, from securing affordability and diversifying the housing market, to securing land value capture and the long-term stewardship of assets on behalf of the community.

In order to achieve these outcomes, the new legislation must contain ambitious place-making objectives, including the requirement to deliver long-term stewardship. There will also be a need for a wider package of support, including expertise and the re-direction of existing and new funding streams in order to create confidence.

Questions 10 & 11 relate to the Green Belt

CBC Response – no comment

Question 12

Do you agree with the proposals to amend the National Planning Policy Framework to:

- a) indicate that local planning authorities should provide neighbourhood planning groups with a housing requirement figure, where this is sought?;
- b) make clear that local and neighbourhood plans (at the most appropriate level) and more detailed development plan documents (such as action area plans) are expected to set out clear design expectations; and that visual tools such as design codes can help provide a clear basis for making decisions on development proposals?;
- c) emphasise the importance of early pre-application discussions between applicants, authorities and the local community about design and the types of homes to be provided?;
- d) makes clear that design should not be used as a valid reason to object to development where it accords with clear design expectations set out in statutory plans?; and
- e) recognise the value of using a widely accepted design standard, such as Building for Life, in shaping and assessing basic design principles – and make clear that this should be reflected in plans and given weight in the planning process?

CBC response –

- a) If such a requirement is introduced there will need to be a standard methodology established. Councils are presently charged with meeting an OAN figure at a borough level and this requires a comprehensive approach. Depending on timing of the Neighbourhood Plan in relation to the Local Plan, it is currently difficult to provide one community with a housing requirement figure in isolation. Only when a full land assessment at a borough level has been completed can suitable sites be identified in the most sustainable locations.*
- b) – e) These questions are concerned with design and Council agrees with the intent of the related proposals.*

Question 13

Do you agree with the proposals to amend national policy to make clear that plans and individual development proposals should:

- a) make efficient use of land and avoid building homes at low densities where there is a shortage of land for meeting identified housing needs?;

- b) address the particular scope for higher-density housing in urban locations that are well served by public transport, that provide opportunities to replace low-density uses in areas of high housing demand, or which offer scope to extend buildings upwards in urban areas?;
- c) ensure that in doing so the density and form of development reflect the character, accessibility and infrastructure capacity of an area, and the nature of local housing needs?;
- d) take a flexible approach in adopting and applying policy and guidance that could inhibit these objectives in particular circumstances, such as open space provision in areas with good access to facilities nearby?

CBC response –

We support the efficient use of land in sustainable urban locations but would caveat this with the need to protect the character of historic urban areas paying special regard to the skyline and other issues listed at C) above. We support the adoption of a flexible approach to the application of policy and guidance subject to the caveats listed at part C).

Question 14

In what types of location would indicative minimum density standards be helpful, and what should those standards be?

CBC response – Minimum density standards are applicable in central urban locations or within 350 m of a transport hub. The standard should be responsive to location and connectivity.

Question 15

What are your views on the potential for delivering additional homes through more intensive use of existing public sector sites, or in urban locations more generally, and how this can best be supported through planning (using tools such as policy, local development orders, and permitted development rights)?

CBC response – There is clearly potential to deliver additional homes through public sector sites although the intensity of use will be dependent upon the contextual circumstances of each case. The policy framework can clearly provide certainty and site specific guidance through site allocation policies. The use of local development orders could only be justified in the case of very substantial sites and we do not have any of these left in Colchester as we have already brought these forward successfully to deliver a substantial number of new homes (Colchester Garrison and Severalls Hospital site).

Question 16

Do you agree that:

- a) where local planning authorities wish to agree their housing land supply for a one-year period, national policy should require those authorities to maintain a 10% buffer on their 5 year housing land supply?;

- b) the Planning Inspectorate should consider and agree an authority's assessment of its housing supply for the purpose of this policy?
- c) if so, should the Inspectorate's consideration focus on whether the approach pursued by the authority in establishing the land supply position is robust, or should the Inspectorate make an assessment of the supply figure?

CBC response –

- (a) A one-year period for the agreement of a housing land supply is supported, however a buffer figure of 10% might be too blunt a tool to accurately reflect local circumstances including previous delivery rates.*
- (b) The principle is supported if it could be achieved through a light touch but defensible process.*
- (c) A light touch process would need to focus on methodology rather than the precise assessment of supply.*

Question 17

In taking forward the protection for neighbourhood plans as set out in the Written Ministerial Statement of 12 December 2016 into the revised NPPF, do you agree that it should include the following amendments:

- a) a requirement for the neighbourhood plan to meet its share of local housing need?;
- b) that it is subject to the local planning authority being able to demonstrate through the housing delivery test that, from 2020, delivery has been over 65% (25% in 2018; 45% in 2019) for the wider authority area?
- c) should it remain a requirement to have site allocations in the plan or should the protection apply as long as housing supply policies will meet their share of local housing need?

CBC response –

- (a) Yes. The proposed amendment is supported as it means that housing proposals in made Neighbourhood Plans can continue to be considered valid even where a LPA cannot demonstrate a full 5 year supply. In these cases Neighbourhood Plans bringing forward housing can contribute towards the wider borough housing need therefore this protection is welcome*
- (b) The proposed approach is supported generally as it should provide greater protection for Neighbourhood Plan groups bringing forward housing proposals. If an LPA cannot demonstrate more than a 2 year supply, there may be wider issues to be addressed within that LPA. In such instances the contribution that the Neighbourhood Plan housing proposals could make towards wider authority area housing targets is likely to be small. The proposal that Neighbourhood Plans housing policies should not be considered out of date where an LPA can demonstrate at least a 3 year supply is supported as it gives Neighbourhood Plan a chance to deliver*

what it set out to deliver, Neighbourhood Plan groups' efforts are not wasted and the housing proposal in the Neighbourhood Plan could actually contribute to wider authority housing supply numbers

(c) The requirement to have site allocations in a Neighbourhood Plan should remain a requirement for clarity for all involved in the planning process.

Applications and Appeals

Question 18

What are your views on the merits of introducing a fee for making a planning appeal? We would welcome views on:

- a) how the fee could be designed in such a way that it did not discourage developers, particularly smaller and medium sized firms, from bringing forward legitimate appeals;
- b) the level of the fee and whether it could be refunded in certain circumstances, such as when an appeal is successful; and
- c) whether there could be lower fees for less complex cases.

CBC response – Given the substantial costs associated with delivering the appeals service it seems reasonable that a proportionate fee is levied and this could prevent vexatious appeals. It is possible that the costs process could then allow costs including fees to be recovered where either party has acted unreasonably as opposed to when an appeal is successful as this could discourage the effective operation of planning in the wider public interest. A fee structure should surely relate to the complexity and time associated with the determination of appeals.

Question 19

Do you agree with the proposal to amend national policy so that local planning authorities are expected to have planning policies setting out how high quality digital infrastructure will be delivered in their area, and accessible from a range of providers?

CBC response – yes; unless there is a national policy it is hard to secure.

Question 20

Do you agree with the proposals to amend national policy so that:

- a) the status of endorsed recommendations of the National Infrastructure Commission is made clear?; and
- b) authorities are expected to identify the additional development opportunities which strategic infrastructure improvements offer for making additional land available for housing?

CBC response - yes

Question 21

Do you agree that:

- a) the planning application form should be amended to include a request for the estimated start date and build out rate for proposals for housing?
- b) that developers should be required to provide local authorities with basic information (in terms of actual and projected build out) on progress in delivering the permitted number of homes, after planning permission has been granted?
- c) the basic information (above) should be published as part of Authority Monitoring Reports?
- d) that large housebuilders should be required to provide aggregate information on build out rates?

CBC response – Yes. All the information suggested should be made available so local authorities can plan, monitor and manage house building more accurately and effectively.

Question 22

Do you agree that the realistic prospect that housing will be built on a site should be taken into account in the determination of planning applications for housing on sites where there is evidence of non-implementation of earlier permissions for housing development?

CBC response – No – it is not obvious what the benefits of this proposal are. It will not help deliver housing and could delay it for example even if a scheme isn't implemented immediately if it has permission it can be commenced quickly at a later date. It could also add another layer of appeals where an applicant disputes the evidence of non-implementation. This takes LPA's time and resources away from their core business.

Question 23

We would welcome views on whether an applicant's track record of delivering previous, similar housing schemes should be taken into account by local authorities when determining planning applications for housing development.

CBC response – No – again it is not clear what the benefits of this proposal are. It will not help deliver housing.

Question 24

If this proposal were taken forward, do you agree that the track record of an applicant should only be taken into account when considering proposals for large scale sites, so as not to deter new entrants to the market?

CBC response – as above.

Question 25

What are your views on whether local authorities should be encouraged to shorten the timescales for developers to implement a permission for housing development from three years to two years, except where a shorter timescale could hinder the viability or deliverability of a scheme? We would particularly welcome views on what such a change would mean for SME developers.

CBC response – the Council would welcome a shorter timescale for implementation. It would increase certainty for local residents and for the Council when monitoring delivery and updating housing land supply data.

The scale of development normally undertaken by small and medium developers should ensure that the consequences of a shorter period are similar to a large housebuilder on a bigger and/or complex site.

Question 26

Do you agree with the proposals to amend legislation to simplify and speed up the process of serving a completion notice by removing the requirement for the Secretary of State to confirm a completion notice before it can take effect?

CBC response – agreed. It should however be noted that it is very rare in Colchester for development to commence but not complete so use of simplified legislation is not considered to be a significant measure to speed up delivery. Other circumstances such as the local and national housing market will have more of an influence and simply having to reapply for planning permission at a time when homes are more saleable will not encourage developers to proceed at a certain time.

Question 27

What are your views on whether we should allow local authorities to serve a completion notice on a site before the commencement deadline has elapsed, but only where works have begun? What impact do you think this will have on lenders' willingness to lend to developers?

CBC response – no comment.

Housing delivery

Question 28

Do you agree that for the purposes of introducing a housing delivery test, national guidance should make clear that:

- a) The baseline for assessing housing delivery should be a local planning authority's annual housing requirement where this is set out in an up-to-date plan?
- b) The baseline where no local plan is in place should be the published household projections until 2018/19, with the new standard methodology for assessing housing requirements providing the baseline thereafter?
- c) Net annual housing additions should be used to measure housing delivery?

- d) Delivery will be assessed over a rolling three year period, starting with 2014/15 – 2016/17?

CBC response - To have a housing delivery test layered on top of the 5 year housing land supply (5 YHLS) test seems to work against the principles of a plan-led system. A test linked to the promotion of the plan-led system in terms of encouraging Councils to allocate more land than they need to allow for plan-led flexibility makes sense but the details of this test do not. The 5YHLS test works against the plan led system by punishing under delivery with unplanned sites.

There should be a longer lead in period for any test and account should be taken of those LA's who were proactive and adopted local plans ahead of the NPPF and those that have carried out focussed reviews post 2012.

Question 29

Do you agree that the consequences for under-delivery should be:

- a) From November 2017, an expectation that local planning authorities prepare an action plan where delivery falls below 95% of the authority's annual housing requirement?;
- b) From November 2017, a 20% buffer on top of the requirement to maintain a five year housing land supply where delivery falls below 85%?;
- c) From November 2018, application of the presumption in favour of sustainable development where delivery falls below 25%?;
- d) From November 2019, application of the presumption in favour of sustainable development where delivery falls below 45%?; and
- e) From November 2020, application of the presumption in favour of sustainable development where delivery falls below 65%?

CBC response – A staggered introduction of any test is appropriate but a start date of November 2017 is too soon. Councils may not be prepared for such a measure. LA's can grant planning permission but do not have all the powers required to enforce delivery.

Question 30

What support would be most helpful to local planning authorities in increasing housing delivery in their areas?

CBC response – having sufficient resources to enable plans to be put in place and decisions made in a timely manner. A consistent approach to appeal decisions in line with the plan led system so resources can be targeted on appropriate schemes and not diverted by speculative applications.

Affordable Housing

Question 31

Do you agree with our proposals to:

- a) amend national policy to revise the definition of affordable housing as set out in Box 4?;
- b) introduce an income cap for starter homes?;
- c) incorporate a definition of affordable private rent housing?;
- d) allow for a transitional period that aligns with other proposals in the White Paper (April 2018)?

CBC response –

- a) We agree with the proposals to revise the definition of affordable housing as set out in Box 4. However, we would welcome further clarity as to how affordable private rent differs from affordable or intermediate rent which are also defined here.*
- b) We welcome the introduction of a cap for starter homes as this will work to ensure that they meet the housing need of those genuinely unable to purchase on the open market. It also ensures consistency with other subsidised ownership products.*
- c) We agree with the proposal to incorporate the definition of affordable private rented housing so long as strength is given to the eligibility criteria set out in the definition. We welcome the protection offered to ensure that the affordable private rented housing remains so in perpetuity (or for an alternative to be provided).*
- d) Agreed, but April 2018 deadline might not allow sufficient time.*

Question 32

Do you agree that:

- a) national planning policy should expect local planning authorities to seek a minimum of 10% of all homes on individual sites for affordable home ownership products?
- b) that this policy should only apply to developments of over 10 units or 0.5ha?

CBC response –Whilst the Council supports a national requirement to provide a minimum of 10% of all homes on individual sites as affordable home ownership housing, it does not agree that the tenure should be restricted to home ownership products. In many parts of the country, including Colchester, home ownership products do not address the housing requirements of those people most in need. The level of affordable home ownership products on a site should be for local authorities to determine according to local housing need.

A threshold lower than 10 units should be allowed in rural areas.

Question 33

Should any particular types of residential development be excluded from this policy?

CBC response - no

Sustainable Development

Question 34

Do you agree with the proposals to amend national policy to make clear that the reference to the three dimensions of sustainable development, together with the core planning principles and policies at paragraphs 18-219 of the National Planning Policy Framework, together constitute the Government's view of what sustainable development means for the planning system in England?

CBC response - yes - this seems like a sensible way forward. Clarification on what constitutes sustainable development in the context of the NPPF/planning policy would be welcome. From recent appeal decisions it is evident that different planning inspectors have interpreted the meaning of sustainable development inconsistently. Clarifying the definition would help iron out /reduce such inconsistencies in the future and assist planners when preparing Local Plans or determining planning applications.

Question 35

Do you agree with the proposals to amend national policy to:

- a) Amend the list of climate change factors to be considered during plan-making, to include reference to rising temperatures?

CBC response - It would be useful to have clarification about the range of climate change factors that need to be considered as part of plan making process. Not all areas will experience climate change in the same way therefore clarifying the full list of climate factors that will need to be addressed at the UK level would be helpful.

- b) Make clear that local planning policies should support measures for the future resilience of communities and infrastructure to climate change?

CBC response - Now that the Code for Sustainable Homes is no longer valid, then it is really important that planning policies highlight the need for development to deliver measures that help build more resilient communities and infrastructure needed to mitigate and adapt to climate change. Strong planning policies will be the best hook to ensure that some of these measures get delivered through planning.

Flood risk

Question 36

Do you agree with these proposals to clarify flood risk policy in the National Planning Policy Framework?

CBC response - All the changes proposed are sensible and add greater protection for people and property. Development should not proceed where the Exceptions Test cannot be met. Allowing development in highest flood risk

areas means that people and property may not be safe. There are also insurance implications to be taken into account.

The changes proposed in relation to minor developments and change of use seem logical. A change of use on a site susceptible to flooding, from a less vulnerable use to a more vulnerable use (housing) could increase risk to people and property from flooding which is not desirable.

Noise and Nuisance

Question 37

Do you agree with the proposal to amend national policy to emphasise that planning policies and decisions should take account of existing businesses when locating new development nearby and, where necessary, to mitigate the impact of noise and other potential nuisances arising from existing development?

CBC response – each application should be considered on its merits. There is an increasing need to co-locate business and homes in sustainable communities and whilst making best use of brownfield land. It is important that businesses do not suffer as a result of new homes being built but there is other (environmental) legislation that is better suited to address this.

Wind Energy

Question 38

Do you agree that in incorporating the Written Ministerial Statement on wind energy development into paragraph 98 of the National Planning Policy Framework, no transition period should be included?

CBC response - no comment