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**LANCASTER  
CITY COUNCIL**

*Promoting City, Coast & Countryside*

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**28<sup>th</sup> April 2017**

Dear Sir/Madam,

### **RESPONSE TO THE DCLG HOUSING WHITE PAPER CONSULTATION – LANCASTER CITY COUNCIL**

Thank you for the opportunity to comment on this consultation which has been considered by Lancaster City Council's Council Business Committee.

Lancaster City Council's response is detailed below.

### **Housing White Paper Consultation**

#### **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?**

Agree. The City Council is currently bringing forward a Local Plan which will include land allocations (Strategic Policies and Land Allocations DPD) for housing. Paragraph 156 of the NPPF currently requires Local Planning Authorities to plan for the homes and jobs needed in the area and therefore the addition of this requirement may however, not provide a significant change in the current national policy position as most Councils are seeking to provide allocations to meet these requirements.

- 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?**

Disagree. Whilst Spatial Development Strategies are considered a positive means of planning strategically, particularly within metropolitan areas such as Greater Manchester and





London, it has been evident that there is much scope for conflict between authorities covered by these strategies including strategic sites. The need for unanimous agreement may hinder the progression of such plans and is a step further than the current 'Duty to cooperate,' where there is no duty to agree. It is also unclear in areas where there is high levels of self-containment such as Lancaster what the benefits of such an approach would be. Clarity would also need to be provided over what would constitute a strategic site.

**c) Revise the National Planning Policy Framework to tighten the definition of what evidence is required to support a 'sound' plan?**

The City Council believes that this change may significantly reduce the burden placed on Local Planning Authorities in having to justify a preferred option against all other reasonable alternatives. This may reduce the level of consultation required through potentially removing the need for an issues and options style consultation and thereby speed up the overall plan making process. In addition Sustainability Appraisal is currently a heavy burden on Local Planning Authorities both in terms of cost and time and measures to reduce the often disproportionate weight of evidence required to support a local plan would be welcomed.

**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?**

The proposed approach set out in the White Paper in moving from Local Authorities needing to satisfy that the approach taken in local plans is the most suitable to an approach where there is a need instead to satisfy that the approach taken is suitable is likely to remove a significant weight in terms of consultation on local plans.

Digital technology can also be a great tool in helping drive efficiency through planning. However, not every person has an understanding of ICT, which may be as a result of access or disability. As such there remains an important need for to be people able to participate in the local plan making process through traditional written format.

In addition the lack of guidance on draft consultation at Regulation 18 can lead to different authorities undertaking different approaches to informal consultation, whilst this may in some instances result in authorities taking a proportionate approach to consultation, fear remains that not doing enough may result in issues further down the line at Examination in public. Therefore we advise that minimum requirements are set out.

The proposed removal of a requirement to produce a single local plan may be beneficial in plan making as strategic priorities can advance ahead of more focused policies including Development Management policies and non-strategic allocations.

**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?**

Partially agree. Such an approach would be welcomed but under the current arrangements this is not realistic. Local Planning Authorities secure clear and robust evidence over housing need however have no power or authority to implement these needs via the planning application process. Too many times do LPA's see applications made which seek to maximise development profits in creating large properties and ignoring the delivery of true housing where lower profits would be delivered. There is absolutely no point in having clear policies on how specific housing needs are to be met if this is not supported by the development industry.



- 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?

Neither Agree nor Disagree. The City Council has spent significant time, effort and expense in identifying an Objectively Assessed Need for the district and whilst we would agree that a standardised approach would in future plans reduce the opportunity for disagreement on housing requirements we would not wish for such an approach to undermine the work undertaken to date. The Council has significant yet realistic plans for economic growth which form part of the housing requirement for the district and believe that in authorities where there is the political and community backing for such an approach the option should be available for Local Plans to plan to try and meet their potential where it can be justified to be deliverable.

#### 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?;

Not clear. Should the local planning authority be seeking to maximise the levels of development on suitable land (i.e. increasing densities)? What is the definition of suitable land – is it maximising the role of previously developed land? Is it maximising the role of land which can quickly delivery housing needs (generally Greenfield land)?

- 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?;

Agree with caution. The Local Plan process should seek to boost development needs and ensure it is accommodated where it can be reasonably and realistic to do so. The note of caution relates to what the 'strong reasons' are for not meeting wider development needs.

- 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?

Agree. The inclusion of Areas of Outstanding Natural Beauty (AONB) have been used by communities and some statutory stakeholders as an argument to preclude development within the AONB (rather than merely restrict which is what the NPPF seeks to achieve). Further clarification in the NPPF to address this mis-interpretation would be welcomed.

The Council supports the addition of Ancient Woodland as an addition to footnote 9 of the NPPF.

- d) its considerations are re-ordered and numbered, the opening text is simplified and specific references to local plans are removed?

Disagree. The principle of sustainable development should be given a local basis through the preparation of the local plan. The NPPF, whilst setting the general principles, is not locally specific to the plan area.

#### 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?

Agree. The Council would be supportive of this and would avoid duplication and wasted resources and would help assist in bringing forward publicly owned land for development.



## 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)?

An approach more akin to Dutch or German models would help to ensure land value is captured for infrastructure purposes rather than to the benefit of the landowner. This would help to bring more land forward for development and overcome infrastructure constraints which are a barrier to growth.

## 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?

The guidance provided in late 2016 is welcome in supporting local authorities as a tool in regenerating estates. In 2014 the Council adopted the Morecambe West End Area Action Plan which is a regeneration blueprint in transforming the West End of Morecambe and has been used in decision making on planning applications as well as in driving forward regeneration projects. It is important that should the revised NPPF seek to include reference to estate regeneration that there is clarity over the definition of the term 'estate.' It is our opinion that a better term would be neighbourhood for example Anfield used as a case study in the guidance. The term 'estate' may limit the impact this policy may have by focusing on local authority built developments and not giving impetus to consider other neighbourhoods where renewal is important.

Additionally estate regeneration should not lead to the fragmentation of existing communities within these estates or a loss of affordable housing. Often densities are very high within estates and a reduction in density whilst offering potential to resolve certain issues around design, crime and disorder, health etc. this should not be at the expense of the displacement of existing residents through gentrification.

## 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?;

Agree. Neighbourhood Plans provide the opportunity to identify, allocate (and in some cases deliver) small sites which are suitable for housing. Support would be need to be provided to local neighbourhood plan groups to achieve this, presently, communities often struggle to allocate sites as a result of a lack of in-house resource either financially or experience.

- 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?;

The Council agrees that rural communities should be able to thrive. An appropriate scale of new housing in villages should be supported, particularly where this would help sustain service provision and encourage new services. The Lancaster district has a large rural hinterland with many villages, some of which are located away from main transport routes. Where a need has been identified within these villages, an appropriate scale of development should be allowed through Local Plans provided this would not be to the detriment of the character of such communities. Small scale housing allocations within rural areas can help to sustain village vitality.



- 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?;

Whilst rural exception sites can be important in helping address local housing needs within rural communities, clarity must be provided with regards the upper limits of general market housing to avoid this becoming the main element of any exception scheme as this would be unsustainable and would lead to housing being located in inappropriate locations.

- 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?;

Agreed. Initiatives that help to encourage small scale builders should be promoted as this will help increase the level of housing delivery across local authorities. It should be made clear whether this would mean 10% of the housing requirement allocations is to be made on small sites or whether 10% of the actual number of allocations. It also needs to be recognised that this policy could have adverse impacts on delivering affordable housing given the proposal to provide a threshold of 0.5ha before affordable housing can be required.

- e) expect local planning authorities to work with developers to encourage the sub-division of large sites?; and

A number of large sites are proposed in the emerging Lancaster local plan. On these sites there are almost always more than one developer with an option/interest. It is not clear from the White Paper to what level of sub division is meant here although it is understood that such an approach is intended to provide encouragement for small and medium scale builders to have greater development opportunities as part of large sites. Where this is the case it will be important that infrastructure burdens are not disproportionately weighted on to such developers over volume house builders. Support should be given for some potential for self-custom build and community housing on large sites where opportunities exist and viability would not be threatened.

- 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?

Whilst in some locations such an approach could be welcomed where constraints are less significant there would obviously need to be exclusions from this such as in those areas with a rich historic environment. However, area wide design codes could help to provide greater developer certainty whilst also helping to encourage district wide good design standards on small scale developments. Nevertheless, there are drawbacks to area wide design codes where this would result in principles that may not be applicable to individual neighbourhoods for example where materials, fenestration etc. vary.

Experience has shown that in some instances Local Development Orders can be effective. However, developers often prefer the certainty that exists with planning consent when making investment decisions.

## Question 9

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

Setting out via the concepts for Garden Villages the need to support innovation and high quality development will be key this may include the provision of low carbon technology infrastructure such as decentralised energy. The preparation of Masterplans through the local plan process will also speed up the processes of delivery.



## Question 10

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

- a) authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements?

Agree. The Local Plan process should demonstrate that all reasonable alternative have been investigated and that there is no other land outside of the Green Belt which is available / deliverable / suitable. The process should also acknowledge that whilst there may be land outside of the Green Belt which is available / deliverable / suitable that its development will not result in sustainable patterns of development or wider sustainable development (as championed by the NPPF).

- b) where land is removed from the Green Belt, local policies should require compensatory improvements to the environmental quality or accessibility of remaining Green Belt land?

Disagree. Whilst the Local Planning Authority should consider whether compensatory Green Belt can be delivered there should be a purpose to providing compensatory land. Land should not be added to the Green Belt just for the sake of offsetting as this is likely to result in land being included in the Green Belt which serves no Green Belt purpose. This should not be a requirement (as identified) and should merely be a wider consideration of opportunities.

- c) appropriate facilities for existing cemeteries should not be regarded as 'inappropriate development' in the Green Belt?

Agree. Development for cemeteries in the Green Belt is supported provided that the associated development (i.e. crematoria buildings) is not visually intrusive and do not significantly affect the openness of the wider Green Belt.

- d) development brought forward under a Neighbourhood Development Order should not be regarded as inappropriate in the Green Belt, provided it preserves openness and does not conflict with the purposes of the Green Belt?

Agree. Provided that the Neighbourhood Plan is supported by appropriate and reasonable evidence which justifies why development is appropriate in such a Green Belt location. Such evidence should include an assessment of how the land's contribution (or lack of it) to fulfilling the Green Belt purposes as per NPPF.

- e) where a local or strategic plan has demonstrated the need for Green Belt boundaries to be amended, the detailed boundary may be determined through a neighbourhood plan (or plans) for the area in question?

Disagree. The strategic nature of the Green Belt, which may include multiple parished area (i.e. multiple Neighbourhood Plan area) means that the only consistent and impartial approach to amending Green Belt boundary is for such decisions to be made by the Local Planning Authority through the preparation of a district-wide Local Plan.

- f) when carrying out a Green Belt review, local planning authorities should look first at using any Green Belt land which has been previously developed and/or which surrounds transport hubs?

Disagree. Whilst this point should be given consideration where Green Belt release is required it should not be a presumption towards such sites being released. Land which is previously developed or close to transport hubs may still have significant Green Belt value in terms of the



openness it provides. Local Planning Authorities should consider whether such land should be considered for development but not 'look first' as there may be more suitable and appropriate sites elsewhere within the Green Belt.

#### Question 11

Are there particular options for accommodating development that national policy should expect authorities to have explored fully before Green Belt boundaries are amended, in addition to the ones set out above?

Local Plans should seek to assess options relating to the expansion of urban areas (urban extensions), the expansion of rural villages, the dispersal of development across the plan area and the creation of new towns / villages in order to achieve development.

#### 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?;

Disagree. The delivery of housing in Neighbourhood Plan areas should be undertaken on the basis of not only need but also supply. In locations where there is opportunities for significant growth these should be identified and supported. The provision of a requirement will be seen by many NP groups and a maximum figure.

- 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?;

Agree. The role of design statement and codes should be considered as a method of setting the design expectation of new development.

Local Plans are able to set general design perimeters but it is not their place to set detailed design guidance.

- 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?;

Agree. The creation of well-designed homes are supported. It is important that any pre-application advice actually adds value to the finalised application rather than being considered a 'tick-box' exercise.

- 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

Agree. Design is a subjective matter therefore when development accords with clear design expectations set out in statutory plans this should not be a reason to refuse planning permission.

- 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?

Agree. The delivery of well-constructed homes should be given more emphasis within the NPPF, the watering down of the need for the code for sustainable homes, Building for Life have resulted in the delivery of poorer quality residential development.



### 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?;

Agreed. The district has a shortage of land to meet the housing requirements and through requiring higher minimum densities this will help to ensure that land is used as efficiently as possible. There will be areas where the context allows for greater densities than others and this should also be referenced within national policy, encouraging greater density in those areas which are constrained by the historic environment, infrastructure problems etc. may not be the best solution.

- 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?;

Lancaster whilst being a relatively small city is constrained by geography and has managed to achieve good design standards in urban locations through high density development. However, careful consideration must be given in sensitive locations such as historic environments where extending upwards would have a negative lasting effect on the built environment.

- 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?;

Agreed. These considerations are particularly important when considering density. Where there are limits to infrastructure capacity that may not be resolvable or as mentioned above where the character of an area would be harmed through high density development it may not be appropriate to require high density schemes unless careful design can mitigate impact.

- 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?

Greater detail on this needs to be given before a view can be taken. New development should not be at the expense of infrastructure requirements including green infrastructure and is unlikely to gain local support and may impact on future resident's living standards.

### Question 14

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

While the Council supports higher density development in ensuring the efficient use of land, previous density standards that were set under PPS3 were arbitrary and not driven with regards spatial context. Density standards should be a requirement on specific schemes but these should be set locally based on a range of individual considerations such as infrastructure capacity, the historic environment and other environmental considerations.

### 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)?

Without knowing the detail behind this it is difficult to arrive at a clear view. However, it is understood that there needs to be a balance of infrastructure provision and housing where intensity is to increase. However, it is recognised that public sector agencies such as the NHS particularly within high value areas need to be able to provide housing to attract key workers. The Council now has very little of its own land that would be available for housing having had assets sold for housing in recent years to help deliver affordable housing.

#### **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?;

Greater clarity is required on the application of the 10% buffer. Is it the intention that the 10% buffer replaces the current 5% buffer applied in the NPPF, increased to 20% in situations of undersupply, or is this an additional buffer over the 5% or 20% figure?

In either instance the application of an additional buffer in addition to what is often an already increased housing requirement does make the achievement of a five year housing land supply position difficult to achieve. Whilst the principle of ensuring sufficient supply is brought forward is supported it is difficult to see how a further buffer, above those already identified in the NPPF, would assist delivery.

The application of an additional buffer would do little to assist in the actual implementation of permissions which in most instances remains the main issue in delivery.

- b) the Planning Inspectorate should consider and agree an authority's assessment of its housing supply for the purpose of this policy?

The opportunity to secure greater certainty on the calculation of a five year supply is welcomed. The preparation of clearer and transparent guidance on this is therefore supported, especially if this also can keep the collection and calculation as simple as possible.

Whilst the approval of this figure by the planning inspectorate would provide certainty on the housing position, further detail is required on what the planning inspectorate would be assessing and how such assessment would be undertaken. For example will they be investigating the figures on their soundness and the extent to which the methodology has been followed or are they making their own assessment commenting on the actual deliverability of supply? If it is the former it is easy to see how the actual assessments would still remain open to criticism at appeal. Further information on the resource implications of this is also required.

An alternative approach might involve a simple "Statement of Common Ground" process, required to be undertaken by local planning authorities in conjunction with their local housing development forum (or key contacts). Whilst this would be unlikely to achieve full agreement, at least it would summarise where disagreement exists, and can be the basis of the involvement of an inspector at appeal or examination. The emphasis would be on a simple and transparent methodology, where the extent of agreement or disagreement is reviewed locally (and regularly), and the information is readily available on a consistent basis whenever the Planning Inspectorate becomes involved.

- 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?



As reported above unless it is the latter it is difficult to see how any other approach would overcome criticism and delay at appeal. The practicalities and resource implications of achieving this are however questionable.

### 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?;

Agree. Although defining what is meant by 'local' would be beneficial. Does 'local' mean the needs of the neighbourhood plan area (and nothing beyond)? Or does 'local' mean the wider local needs of the local plan area?

- 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?

Agree. The implications of under-supply should be addressed in the most appropriate and sustainable locations whether they are within (or outside) Neighbourhood Plan areas.

- 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?

Neither Agree nor Disagree. Neighbourhood Plans should be allowed to explore the range of options to housing delivery. This could include the allocation of land to meet needs in a specific location but could also include a positive statement via a generic policy approach.

### 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;

An appeal fee could be levied based on half the planning application fee up to a maximum amount. This is a simple, transparent and (in most cases) proportionate way to calculate the fee. Appeals on Enforcement cases (including appeals against Enforcement Notices) should carry a greater level of fee. The rationale for this is because enforcement cases relate to unauthorised works that have already occurred. If we are serious about trying to instil confidence in the national planning system, then introducing a higher fee for those that have failed to adhere to the planning process would be a commensurate, but not overly-punitive, measure. This could be the base fee for a written representation appeal. A further £500 could be charged for Informal Hearings or an additional £1000 for Public Inquiries.

- a) the level of the fee and whether it could be refunded in certain circumstances, such as when an appeal is successful; and

In terms of the level of fee, this is discussed in (a) above. In the local authority's view the fee should not be refunded in any circumstances as the Planning Inspectorate would have incurred costs of their own in processing and assessing the case. If there is a case of unreasonableness, then the appellant has the ability to seek costs against the local authority. If they are successful they can effectively secure repayment of the appeal fee via their cost claim.



- b) whether there could be lower fees for less complex cases.

This is an issue of transparency (i.e. how is 'less complex' defined so it is fair and consistent?). Calculating a fee in the manner suggested in (a) above allows for a sliding scale which would appear to be proportionate. However, if anything, fees should increase where the appeal process is misused (e.g. where an appellant is effectively using the procedure to delay legitimate enforcement action against them).

#### **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?

The Council in its emerging Development Management DPD has set out a policy on telecommunications and broadband infrastructure (DM56). However, greater clarity on policy requirements from a national level is welcomed. There are great efficiencies to be made where developers put in fibre infrastructure at the development stage rather than retrofitting and the benefits should be made clear at a national level for them to be implemented locally.

#### **Question 20**

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

- the status of endorsed recommendations of the National Infrastructure Commission is made clear?; and

Yes

- authorities are expected to identify the additional development opportunities which strategic infrastructure improvements offer for making additional land available for housing?

Generally yes, and it is logical to make the link between national and local investment, but there will be cases where no such opportunity exists because the national infrastructure does not relate directly to housing. There will also be instances where the new national infrastructure relates to making additional land available for other land uses (including business uses).

#### **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?

Greater transparency on commencement and build out rates is welcomed. This would assist local authorities in the preparation and calculation of its five year housing land supply position and also in the submission of data returns to central government. A clearer and consistent process for capturing this data via the application form (for full planning permission and Reserved Matters consent) is therefore welcomed.

- 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?

This is supported. This would again assist in the preparation of the council's five year housing land supply position, improving the robustness of the evidence base. It would also assist in



identifying potential problems in delivery and help identify where action might be required. Further detail on the mechanism used to secure the delivery of this information is required as is the detail on the implications of none provision.

c) the basic information (above) should be published as part of Authority Monitoring Reports?

Agree. It would be easy to incorporate this into the already annually prepared housing trajectory.

d) that large housebuilders should be required to provide aggregate information on build out rates?

Agree. The provision of this information is welcomed and will assist authorities in the preparation of its evidence base.

### **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?

Strongly disagree. This is not a planning consideration. The reason(s) why commencement of development has not occurred on a particular site will be varied. If this were to be introduced it could lead to sites being stalled on purpose to gain a more favourable outcome in the future, which would go against the purposes of the Housing White Paper of increasing housing delivery.

### **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.

Strongly disagree. Again this is not a planning consideration. Residential developers will have a range of previous experience, not all positive. For example, one developer may have delivered a similar site, but in a manner that has resulted in significant breaches and complaints, whilst another may have been trying hard to bring a complex site forward and for legitimate reasons has been unable to – should the former be recognised more favourably than the latter? In the local authority's view, this would be open to misinterpretation.

### **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?

As stated in 23 above, the local authority does not consider this appropriate to be brought forward in any form. The size of the site is irrelevant.

### **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.



Agree, subject to local authorities continuing to have the discretion and ability to lengthen timescales for implementation where deemed appropriate (e.g. a complex, regeneration 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?

This is a complex area of planning, more commonly used in relation to enforcement cases where the condition of an extant but unfinished site requires intervention. Whilst the principle of the change is acceptable and agreeable to the local authority (especially to prevent 'token starts' occurring and then development ceasing, which could be a ramification of shortening timescales – see 25 above), in reality local authorities are unlikely to utilise this measure unless it is entirely satisfied that all other options have been exhausted. This would be extremely time consuming/resource hungry. Therefore it is only likely to be used where the impact is greatest, such as on strategic housing sites that deliver in excess of 500 homes and where the local authority is as good as guaranteed a positive outcome to aid delivery.

#### **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?

For the reasons explained in 26 above, this is unlikely to occur given the time needed to collate the evidence together to demonstrate that all other options have been exhausted.

#### **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?

Agree. Whilst clarity on what is regarded an up to date plan is welcomed there is concern on the implication of this for authorities which do not benefit from an up to date plan but which have made significant progress through the Local Plan process. Further clarity on this is required.

- 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?

An agreed position is welcomed. As expressed earlier in this response the city council has concerns regarding the implementation of new guidance in situations where local authorities, as is the case in Lancaster District, have made significant progress on the adoption of a new Objectively Assessed Housing Need figure but have not yet adopted this by the date specified. Clarity on the transition period in such situations would therefore be welcomed.

- c) Net annual housing additions should be used to measure housing delivery?

Clarity on what is included within this figure is required e.g. student housing and other institutional based accommodation. The opportunity to even out peaks and troughs in delivery through an average three year period is supported.

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



An agreed methodology and timeframe for calculating delivery is welcomed. The relationship of this to five year housing land supply calculations needs to be clarified.

### 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?;

Whilst the council would support the preparation of an action plan it should be noted that in most cases planning permission has continued to be granted for new development with delivery often outside of the council's control. It is difficult to see how an action plan would overcome this issue with the implementation of permissions in most instances remaining the main issue in delivery.

Not disputing the evidenced need for additional housing the ability to achieve increasingly high housing requirements is particularly challenging with ironically the more housing that an authority plans to deliver the worse prospects it faces in having a five year housing land supply. The ability to ever achieve such a position is becoming increasingly unlikely. The weight to be attached to action plans in decision making will need to be clarified.

- 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%?;

A definition of under-delivery is welcomed. The NPPF currently refers to persistent under-delivery in relation to five year supply calculations, implying a longer timeframe than what is now indicated in the Housing White Paper. Confirmation that this replaces and updates policy in the NPPF is required.

Whilst clarity on the definition is welcomed the ability to achieve a five year supply with the inclusion of a buffer is difficult.

- c) From November 2018, application of the presumption in favour of sustainable development where delivery falls below 25%?;

The application of a tiered approach to implementation of the presumption in favour of sustainable development is welcomed.

- d) From November 2019, application of the presumption in favour of sustainable development where delivery falls below 45%?; and

The application of a tiered approach to implementation of the presumption in favour of sustainable development is welcomed.

- e) From November 2020, application of the presumption in favour of sustainable development where delivery falls below 65%?

The application of a tiered approach to implementation of the presumption in favour of sustainable development is welcomed. The ability to achieve this with the application of a 20% buffer is however questioned.

### Question 30

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



Greater support for local planning authorities is key to increasing housing delivery. Authorities are facing increased pressure to deliver housing but in most cases do not have the resources to address the increasingly complex world of planning.

Reducing the burdens on local plan preparation would also assist delivery. Opportunity to explore reducing and simplifying the amount of supporting evidence required would assist authorities and speed up the time taken to prepare much needed Local Plans.

Enabling local authorities to build homes would also assist in delivery, helping address housing need and affordability. It is difficult to see how right to buy from local authority housing companies will achieve this.

### 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?;

Agreed. The widened definition of affordable housing is welcomed and provides greater opportunities for affordable products to be delivered which should appeal to registered providers. However, it is important that Local Authorities are given freedom within this definition to determine what is locally appropriate based on incomes, viability etc.

- b) introduce an income cap for starter homes?;

Whilst an income cap is welcomed on starter homes, a household income of £80,000 would far exceed median incomes locally and is unlikely to limit the range of households that would be eligible on this basis. Furthermore, at a ratio of 4:1 of incomes to house prices, this would equate to £320,000 far in excess of the local house price median.

- c) incorporate a definition of affordable private rent housing?;

The addition of affordable private rent housing as part of affordable housing is welcomed. The district has seen build to rent schemes come forward over the last two years. It is anticipated that the market for build to rent will increase as renting has become a much more significant element of the housing market.

- d) allow for a transitional period that aligns with other proposals in the White Paper (April 2018)?

Agreed. The Council has recently commissioned housing market assessment evidence and will be commissioning a viability study. This will enable decisions to be made over the range of affordable products and what is appropriate in the district.

### 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?

The council welcomes the flexibility of providing a framework that allows for a minimum of 10% of all homes on new sites to be delivered as affordable home ownership products and allows local authorities the autonomy to decide the most appropriate tenures and percentages based on local need and scheme viability, and may improve access to a wider range of affordable tenure on new sites.

- b) that this policy should only apply to developments of over 10 units or 0.5ha?



Disagree. Whilst it is understood that applying a threshold reduces some of the difficulties for small scale builders in making schemes stack up financially, the provision of a threshold across the board fails to take account of high value areas which have significant affordability issues but would still render small schemes viable where affordable housing was required. It is considered that a more detailed approach is required to take account of this. Recent cases in the south east have shown that applying a threshold across the board fails to take account of local affordability issues.

### **Question 33**

Should any particular types of residential development be excluded from this policy?  
The proposed types of housing to be excluded are agreed (supported housing, custom build, rural exception sites).

In addition there needs to be some flexibility around sites deemed by local authorities as unsuitable for affordable home ownership. This could include regeneration areas that have experienced housing market failure and/or where attempts to provide affordable home ownership products have already failed and are better suited to delivering other forms of tenure such as affordable, intermediate rented or market rented units. The council already has an established policy that requires no affordable housing provision in regeneration areas in order to incentivise development and attract investment potential.

### **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?

Agree. This clarification would be beneficial.

### **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?

The Council understand that rising temperatures is a factor affecting climate change, and therefore it should be taken into consideration during the plan-making process. However, further guidance as to how this would be assessed and taken into consideration, should be provided.

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

Agree. As noted above, further guidance on the implementation of this would be beneficial.

### **Question 36**

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

Agree. From experience clarity over change of use and the need to accord with the sequential test is welcomed and can be applied through the application process but also where allocations are proposed via Strategic Flood Risk Assessments.

### **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?

Agree. The impacts that existing employment uses have on the occupants of sensitive uses (i.e. residential) should be given greater consideration. There is potential for proposals to have impacts on the ongoing operations of the adjacent employment uses which may be to the detriment of its business viability. This issue could be addressed better within the NPPF.

### **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?

The Written Ministerial Statement requires more clarification before it is considered to be incorporated within paragraph 98 of the National Planning Policy Framework. For example, the first sentence states 'I am today setting out new considerations to be applied to proposed wind energy development so that local people have the final say on wind farm applications'. However, later the statement says 'when determining planning applications for wind energy development involving one or more wind turbines'. This therefore causes confusion as there is a lack of clarity and consistency. Leading on to another point we would like to raise; there is no reference made with regards to scale of wind turbine development. Has consideration been given to the opportunity for smaller scale developments? Small turbines have less impact than large scale turbines and can provide a useful contribution to helping tackle climate change.

In addition, as noted in paragraph A.143 of the Housing White Paper, further guidance is required to clarify the following statement; 'following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing'. Who is classified as the local community? How is the 'backing' of the local community assessed and determined? There is a lot of uncertainty surrounding this statement which is 'a planning judgement for the local planning authority'. Also, further guidance for Local Planning Authorities regarding identifying areas as suitable for wind energy would be beneficial.

With regards to the proposed amendments to the wording of paragraph 98 of the Framework, how would the proposals in the first bullet point be implemented in paragraph 98? Bullet point two would suggest a blanket ban on wind turbine development outside areas identified as suitable for wind energy development. Each site and situation is different, and so the appropriateness of this statement depends on scale of study conducted for identifying areas as 'suitable for development'. This again reiterates the need for more detailed guidance regarding 'areas identified as suitable for wind energy'.

With regards to the transition period, what would be the purpose of a transition period? As the Written Ministerial Statement, since its publication, has significantly altered the national policy position with regards to wind energy, with very little guidance, immediate effect and significant weight.

Therefore, in conclusion, there is a requirement for the provision of effective guidance, with time for implementation.

Yours faithfully,



**Susan Parsonage**

**CHIEF EXECUTIVE**



