



REPORT TO EXECUTIVE

PORTFOLIO AREA: ENVIRONMENT, HOUSING, INFRASTRUCTURE AND TRANSPORT

Date of Meeting: 20TH FEBRUARY 2006

Public

Key Decision: Yes

Recorded in Forward Plan: Yes

Inside Policy Framework

Title: PLANNING POLICY STATEMENTS CONSULTATION
PPS3 HOUSING AND PPS25 DEVELOPMENT AND FLOOD RISK
Report of: HEAD OF PLANNING SERVICES
Report reference: DS. 05/06

Summary:

This report sets out the issues raised in the consultation on revisions to national guidance on housing and development and flood risk including a suggested response from the City Council.

Recommendations:

It is recommended that the responses made in this report are sent to the ODPM forming the Council's response to the consultation.

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Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: PPS12; Planning and Compulsory Purchase Act 2004 and the Town and Country (Local Development) (England) Regulations 2004

1.0 BACKGROUND INFORMATION AND OPTIONS

- 1.1 Under the provisions of the Planning and Compulsory Purchase Act 2004 the Government is required to update all its existing Planning Policy Guidance Notes and reform them into more succinct Planning Policy Statements. During December 2005 two consultation documents were published. One on Housing (PPS3) and one on Development and Flood Risk (PPS25). The response to these consultations is due by the end of February 2006 (27th and 28th respectively).
- 1.2 Each of the consultation documents sets out a number of specific questions forming the basis of the consultation. These questions have been combined into this report in order to ensure a response to them and any other issues that may arise from consideration of the PPS documents.

PPS3 Housing

- 1.3 The purpose of the draft PPS is to provide a national policy framework for planning for housing. It sets out what is required at regional and local levels to deliver housing within sustainable communities. Advice on the policy approach and practical implementation will be included in supporting practical guidance and companion guide (still to be produced). Much of the document builds upon the existing PPG3 and current practice.
- 1.4 The Government's key objective to ensure that everyone has the opportunity of living in a decent home remains. This is, however, expanded with "which they can afford, in a community where they want to live". The remaining objectives have been condensed into three parts to seek to ensure a wide choice of housing is available; there is a better balance between housing demand and supply (including improved affordability) and create sustainable, inclusive, mixed communities in all areas. Housing should be distributed and located in a way which contributes to sustainable development.

Level and distribution of housing at a regional level

- 1.5 The guidance advises that sub-regional housing market and housing land availability assessments should be undertaken to determine the level of need and demand for housing and the opportunity to meet it. Housing Demand and Needs research was undertaken to input into the current production of Regional Spatial Strategy. Carlisle City Council represented the Cumbrian districts on this research project. Such work is fundamental to ensure that regional policies will be sufficient to deliver housing at the local level, although the work in this region highlighted the different levels of information currently available in districts throughout the northwest.
- 1.6 Although there may be inconsistencies in the information levels across districts, the sub-regional housing market assessments will take account of local market issues and therefore an appropriate way of feeding into regional housing need and demand. It is important that these are based on local information and not derived solely at a regional level, as recent economic forecasts at the regional level do not take account of sub-regional drive for economic growth.

Local Development Framework (LDF)

- 1.7 The PPS advises that this should have regard to other local strategies and emphasises the links to Housing Strategies and local homelessness strategies as well as the more conventional economic strategies and Local Transport Plans. This clearly sets out the need to allocate the first 5 years supply and wherever possible allocate land for a further 10 years. The Council's current Local Plan intends to allocate sufficient land for a 10-year period in accordance with current Structure Plan requirements.
- 1.8 In addition the Local Development Framework should set out the local strategy for bringing forward and developing brownfield sites and targets over the plan period. This is also covered in the review of the Local Plan.

1.9 There are a number of new elements to the PPS to strengthen the LDF system including:

- a) set out density ranges that will apply across the plan area; and
- b) set out the balance between different household types to be provided across the plan area and the circumstances or broad locations in which this balance may be different

Density ranges are discussed further at paragraph 1.14 and household types at 1.19.

Allocating and releasing land for housing

1.10 Site allocation development plan documents should always include at least a five year supply. Sites should be available, suitable (a sustainable option) and viable. A new emphasis in the PPS is the regard to sustainability appraisals. In addition further clarification is given towards phasing, that sites should not be phased within the first 5 years, but plans may set out phasing beyond the five year supply. Priority should be given to brownfield sites.

Efficient Use of Land

1.11 The emphasis of the PPS is on the redevelopment of brownfield land by developing a brownfield strategy to identify and remove constraints. Local Planning Authorities should make full use of Compulsory Purchase Powers with Key Stakeholders, this follows on from the Planning and Compulsory Purchase Act which has intended to simplify the process.

1.12 Brownfield Targets are to be set at regional level. Draft Regional Spatial Strategy currently indicates at least 50% for Carlisle District, this is currently indicated in the Structure Plan where targets are set at 52%.

1.13 It should be recognised that the target of 60% of housing development on national figure and not all districts will be able to deliver this. It is therefore appropriate that RSS acts as a mechanism to disaggregate this to district level rather than individual LDFs. However 60% is a 2008 target and it is not clear in a 2006 draft PPS what is intended post 2008 and whether that level can or should be sustained.

1.14 This PPS sets out more information with regard to density. Local Planning Authorities should develop density policies in relation to the table below:

Indicative Density Ranges:

| | Location | | | |
|---------------------------------------|-------------|-------|----------|-------|
| | City Centre | Urban | Suburban | Rural |
| Density Range (dwellings per hectare) | Above 70 | 40-75 | 35-55 | 30-40 |

Whilst these are indicative the PPS states that the presumption is that the minimum density should be no less than 30 dwellings per hectare.

1.15 Density figures have always been a concern in Carlisle District, particularly the lower limit of 30 dwellings per hectare which remains in PPS 3. This is now further compounded by the need for area definitions particularly between urban and sub-urban where these are on a smaller scale such as Carlisle. No account appears to have been taken of existing densities in an area.

1.16 In areas where there is already high density terraced housing, an appropriate mix of housing would be to introduce lower rather than higher densities. Market need and demand assessments will also indicate type of housing required and density ranges as indicated in the PPS may not necessarily conform with the needs. This applies across the ranges set out in Annex C of the draft PPS.

1.17 A further new aspect of the PPS is that Local Planning Authorities should develop parking policies for their plan area with local stakeholders and local communities having regard to expected car ownership for planned housing in different locations, the efficient use of land and the importance of promoting good design. This is far more flexible than the existing PPG which indicates a maximum of 1.5 spaces per residential unit.

1.18 Parking, particularly on street in some residential areas, has become an increased problem since the lowering of parking thresholds in PPG3. Whilst the objectives of government policy may be to reduce car use, it does not reduce ownership levels particularly in smaller cities and rural areas. In some parts of the urban area there is no further road space for on-street parking but increased density of housing development compounds this problem. Setting local parking policies for certain areas is welcomed.

Household Type

- 1.19 Plans should be specific about the balance between different household types. Larger sites should provide a mix whilst on smaller sites the mix of housing should contribute to the creation of mixed communities. Being specific about household type is welcomed as this should take account of local need as well as market demand.

Affordable Housing

- 1.20 Definitions of affordable housing are included in the PPS (attached at Appendix 1) which include social rented and intermediate housing. Sub-regional housing market assessments should help determine the need and guide the level, size, type and location. (One is to be undertaken this year for north Cumbria). A new aspect of the PPS is that targets should take into account the anticipated levels of funding for affordable housing, including public subsidy and the level of developer contribution that can realistically be sought.
- 1.21 A further change in the PPS is that planning authorities should set a minimum site-size threshold above which affordable housing will be sought. An indicative national minimum threshold is 15 dwellings. Currently the Structure Plan indicates 10 dwellings. Different thresholds can be used where justified.
- 1.22 The presumption is that affordable housing should be provided on the application site to create more mixed communities and avoid creating concentrations of deprivation. Local development documents should set out where this is not required or a financial contribution would be acceptable of a broadly equivalent value. Further advice will be set out in a companion guide.
- 1.23 Parts of the PPS on affordable housing are supported, particularly the need to set thresholds and that these are indicative and lower thresholds may be justified. The PPS however, does not go far enough in taking the housing market assessments forward by making it clear that specific household types and tenures may be set where needs are clearly identified.

- 1.24 Furthermore the definitions of affordable and intermediate housing cause confusion, particularly as housing discounted below market value in perpetuity does not appear to be recognised as affordable or intermediate. This type of housing provides for a sector of the market who are not able to afford housing at full market price. It may act as an intermediate step and although linked to the housing market and not income levels it will provide assistance to those wanting to get on the housing ladder. This should be recognised as a way of delivering affordable housing for some.

Rural Housing

- 1.25 Sufficient land should be made available either within or adjoining market towns or villages for both affordable and market housing in order to sustain rural communities. Focus for significant development should be the market towns or local service centres. Development may be provided in villages and other smaller rural communities where need contributes to their sustainability.
- 1.26 Planning for affordable housing in rural communities could include a lower size threshold or a higher proportion of affordable housing than that which applies to the rest of the plan area, or allocate small sites solely for affordable housing in larger villages or market towns. The Structure Plan contains a policy for this for the Lake District National Park only. This is a positive move to providing more affordable housing where needed.
- 1.27 Welcome the step towards being able to deliver affordable housing on allocated sites where need is justified.

Designing for Quality

- 1.28 This now refers to policies for the area's own distinctive identity in order to positively improve the local character. References are made to urban design guidelines and the use of design codes, as well as masterplans and site briefs. Urban Design codes have gained more notice since the last PPG was published and further guidance will be published on the use of design codes.
- 1.29 The approach to smaller developments should be developed as part of a wider strategy for individual neighbourhoods. The key consideration is whether a development positively improves the character and environmental quality of the area and the way it functions.

- 1.30 Greater emphasis on design is welcomed to substitute the general statements in PPS1, particularly guidance on design codes which will encourage developers to pay more consideration to design at the local level.

Greening the residential environment

- 1.31 The guidance in this PPS is more direct than previously published stating that housing development should be based on thorough landscape and ecological survey and appraisal. Dominant landscape and ecological features should lead the design layout. Residents of new dwellings should have easy access to sufficient open space of good quality. PPS3 promotes the Code for Sustainable Homes in order to apply principles of sustainable and environmentally friendly design and construction.

Managing delivery and development

- 1.32 Planning authorities and applicants should positively engage in pre-application discussions to ensure that housing proposals are well designed and an appropriate mix of housing is provided. Where a plan is under review or sites are not allocated in the development plan the PPS is material and may carry greater weight.

“Planning authorities should consider favourably planning applications for housing development:

- (a) where there is evidence of an imbalance between housing demand and supply, having regard to affordability issues and housing market conditions;
- (b) if the site is suitable for housing development (including land allocated or previously used for industrial or commercial use, which is no longer needed for that use); and
- (c) the planning proposal makes efficient use of land, offers a good housing mix, is of high quality design and does not have an unacceptable impact on the environment.”

PPS25 Development and Flood Risk

- 1.33 PPG25 is being updated to focus on national policy and provide clarity on what is required at regional and local level to ensure decisions are made at the most appropriate level. Advice on practical implementation will be included in a supporting practice guide. An outline of this guide has been provided. The PPS refers to flooding caused not only by rivers but also through drainage although the PPS requires greater recognition of the latter in the underlying messages throughout the PPS.
- 1.34 In addition there is consultation on proposals for a Flooding Direction. This is with respect to a major development for which a planning authority proposes to grant permission, despite their being a sustained objection from the Environment Agency on flood risk ground after being re-consulted following an initial objection. The Direction would require the Local Planning Authority to refer the application to the relevant Government Office.
- 1.35 Having experienced flooding recently in the urban and rural area of the district it is significant to see the impact on new developments or the affect that the development has had on the overall levels of flooding. A Direction is welcomed to ensure that the consequences of new development are fully taken into account with regard to potential flood risk.
- 1.36 The Government also proposes to extend the Environment Agency's statutory consultee role in relation to flood risk on certain developments.
- 1.37 The PPS concentrates on a risk-based approach which should be adopted for all levels of planning. This is the application of the source-pathway-receptor model whereby:
- a) policies avoid adding to the causes or "sources" of flood risk by avoiding inappropriate development in flood risk areas and minimising flood risk;
 - b) managing flood "pathways" to reduce likelihood of flooding e.g. by maximising the use of sustainable drainage systems; and,
 - c) reducing the consequences of flooding on the receptors (people, property and infrastructure).

- 1.38 The PPS emphasises that flood risk assessments should be carried out at all levels of the planning process. This includes Strategic Flood Risk Assessments having regard to catchment-wide flooding issues and site-specific flood risk assessments.
- 1.39 The PPS sets out the Sequential Test for the different flood risk zones which is contained in the existing PPG25 but then expands on this information with Flood Risk Vulnerability Classification, considering the different types of land use and which flood zones areas would be appropriate (Flood Zone 1 is low probability <0.1% chance of a river or sea flooding in any year). Previous Zone 3 had three elements of developed areas, undeveloped & sparsely developed areas and functional flood plain. The first two of these have now been amalgamated into a High Probability Zone.
- 1.40 A new aspect of the PPS follows on from this Sequential Test and relates to the Exception Test. This is where departures from the sequential approach will only be justified in exceptional circumstances. The Exception Test provides a method of managing flood risk while still allowing necessary development to occur. It is appropriate for use when there are large areas liable to flood but where some continuing development is necessary for wider sustainable development reasons, taking into account the need to avoid social or economic blight and the need for essential civil infrastructure to remain operating during floods.
- 1.41 The four test criteria are:
- (i) The development makes a positive contribution to sustainable communities, and to sustainability objectives;
 - (ii) The development is on developable brownfield land or there are no reasonable alternative options on developable brownfield land;
 - (iii) A flood risk assessment demonstrates that the residual risks of flooding to people and property are acceptable and can be satisfactorily managed; and
 - (iv) The development makes a positive contribution to reducing or managing flood risk.
- 1.42 The four test criteria are welcomed as they provide greater clarity and further explanation than in the current PPG.

- 1.43 The PPS sets out responsibilities for the owner/developer, regional planning body, the Environment Agency and the Local Planning Authority. Local Planning Authorities should consult the Environment Agency when preparing policies on flood risk management and in relation to areas potentially identified as at risk from flooding. They should also consult the Environment Agency on applications for development in flood risk areas. They should re-consult the Environment Agency if still minded to approve a planning application after having considered it in light on initial Environment Agency advice against approval.
- 1.44 LPAs should notify the Environment Agency of the outcomes of all planning applications to which the Agency has objected on grounds of flood risk. Apart from statutory re-consultation and referral to the Government Office, these processes are already undertaken. Where there are ongoing concerns of the Environment Agency Officers undertake an ongoing dialogue with the Environment Agency until the application is determined.

Overview and Scrutiny Process

- 1.45 Report P.04/06 was reported to Infrastructure Overview and Scrutiny Committee on the 26th January 2006. That committee requested that all Members receive a copy of the report and asked to respond to officers before reporting to Executive. At the time of writing the report 4 Councillors had responded. Their concerns are summarised in the appendix to this report.

2.0 CONSULTATION

- 2.1 The Council is a consultee in the process and comments are invited on the draft PPS documents before the 27th February 2006.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that the responses made in this report are sent to the ODPM forming the Council's response to the consultation.

4.0 REASONS FOR RECOMMENDATIONS

- 4.1 The responses as set out in this paper reflect Members views and concerns raised since the introduction of PPG3 in March 2000. It is important that these are included in this consultation exercise as the most appropriate mechanism for influencing the issues.

5.0 IMPLICATIONS

- Staffing/Resources – None
- Financial –. None
- Legal –. PPS documents are part of the national planning policy framework and are new forms of PPG guidance as set out in the Planning and Compulsory Purchase Act 2004.
- Corporate –. Issues raised in these consultations will impact on the ability to deliver appropriate priorities through the planning process.
- Risk Management –. A non-response from Carlisle City Council would mean that the concerns of members are not raised at national level.
- Equality Issues – None
- Environmental –. Both PPS documents are based on environmental and sustainability principles in order to minimise the harmful impacts from development.
- Crime and Disorder – None
- Impact on Customers – None

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Housing Definitions

Affordable housing

8. Non-market housing, provided to those whose needs are not met by the market for example homeless persons and key workers. It can include social-rented housing and intermediate housing. Affordable housing should:
 - meet the needs of eligible households, including availability at low enough cost for them to afford, determined with regard to local incomes and local house prices; and
 - include provision for the home to remain at an affordable price for future eligible households, or if a home ceases to be affordable, any subsidy should generally be recycled for additional affordable housing provision.
9. Further information is available in the companion guide.

Social-rented housing

10. Rented housing owned by local authorities and registered social landlords for which guideline target rents are determined through the national rent regime, set out in the *'Guide to Social Rent Reforms'* published in March 2001.
11. Also rented housing owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or funded with grant from the Housing Corporation, as provided for in the Housing Act 2004.

Intermediate housing

12. Housing at prices or rents above those of social-rent but below market prices or rents. This can include shared equity products (for example HomeBuy) and intermediate rent (i.e. rents above social-rented level but below market rents). Intermediate housing differs from low cost market housing (which Government does not consider to be affordable housing – see definition of affordable housing above).

Summary of Responses to Draft PPS3 and PPS25

A summary of the responses received is as follows:

PPS3

General Comments – The broad thrust of PPS3 is welcomed, however there are some reservations that the policy guidance has been written with a focus on large conurbations and the south east. The Brownfield targets set in PPS3 have raised concerns that they have been set regionally and are therefore more suited to Manchester and Liverpool and not as applicable to Carlisle's situation.

Housing Density – Concerns were raised over housing density and the Indicative Density Ranges, respondents would like further clarification as to whether the range of densities set out are maximum densities for the urban, suburban and rural area.

Car parking – Respondents were pleased to see that PPS3 recognises that flexibility is needed when considering the level of parking provision required for different types of development. This is considered to be of particular importance in areas such as Carlisle where alternative transport modes can be fairly limited. It is also important in areas with concentrations of terraced properties, where there is no off street parking, that new residential development provides sufficient off street parking.

Affordable Housing – The lower threshold for rural affordable housing and the allocation of small sites purely for affordable housing in the rural area is welcomed.

Designing for Quality– Increased emphasis on design is welcomed. Respondents were pleased to see that Planning authorities are encouraged to engage with communities and draw up detailed design guidance on the types of development they would like to see within their area. Welcome the recommendation that the design of small scale developments should be viewed in a wider context. Respondents also emphasised the importance of taking into account the vernacular style of the surrounding area when considering design in respect of both scale and materials used.

Greening the Residential Environment - This issue was considered important for the well being of the residents, the dispersal of rainwater and reduction in surface water run off and the general overall appearance of a neighbourhood. It was felt that this is especially important in areas with little or no green space through lack of public provision or private gardens e.g. in areas of terraced housing. It is considered that open space provision may be an effective use of brownfield land.

PPS25

The general view was that new developments should include natural soakaways and a reduction in hard surfacing to assist in problems relating to surface water drainage/ runoff. The enhanced role of the Environment Agency as a statutory consultee in relation to developments in areas of flood risk, is welcomed.