



INFRASTRUCTURE OVERVIEW AND SCRUTINY COMMITTEE

Committee Report

Public

Date of Meeting: 26th January 2006

Title: CONSULTATION ON PLANNING POLICY STATEMENTS –
PPS3 HOUSING AND PPS25 DEVELOPMENT AND FLOOD RISK

Report of: Head of Planning Services

Report reference: P. 04/06

Summary:

This report sets out the issues raised in the consultation on two ODPM planning policy statements on housing and flood risk. Members' views are sought on the issues raised in response to the consultation.

Recommendations:

It is recommended that the views of Overview and Scrutiny Committee be referred to Executive and incorporated into the Council's response to consultations on PPS3 and PPS25.

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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: Consultation Paper on a New PPS3 Housing and Consultation on PPS25 Development and Flood Risk ODPM December 2005

1.0 Introduction

- 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.

2.0 PPS3 Housing

- 2.1 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.
- 2.2 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

- 2.3 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 north west.

Local Development Framework (LDF)

- 2.4 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.
- 2.5 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.
- 2.6 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
- 2.7 Members views on these two aspects are sought with further explanations in this report in paragraphs 2.11 – 2.13.

Allocating and releasing land for housing

2.8 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

2.9 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.

2.10 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%.

2.11 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. Members views are sought on these density ranges.

2.12 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. Members views are sought on these changes.

Household Type

2.13 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.

Affordable Housing

2.14 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.

2.15 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.

2.16 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.

Rural Housing

- 2.17 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.
- 2.18 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.

Designing for Quality

- 2.19 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.
- 2.20 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.

Greening the residential environment

2.21 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

2.22 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.”

PPS3 Response

2.23 Based on the changes indicated in the preceding paragraphs Members views are sought in particular on density, parking and affordable housing issues as highlighted in the draft PPS.

3.0 PPS25 Development and Flood Risk

- 3.1 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.
- 3.2 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.
- 3.3 The Government also proposes to extend the Environment Agency's statutory consultee role in relation to flood risk on certain developments.
- 3.4 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).
- 3.5 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.

- 3.6 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.
- 3.7 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.
- 3.8 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.

3.9 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. 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.

PPS25 Response

3.10 Members views are sought particularly on the Flooding Direction (paragraph 3.2), the Exception Test paragraphs (3.7-3.8) and the role for the Local Planning Authority (paragraph 3.9).

4.0 Conclusion

4.1 Generally the revisions from Planning Policy Guidance to Planning Policy Statement have built upon emerging best practice within the north west region. There are a number of issues which have concerned Members in relation to the existing PPGs and a number of new requirements upon the Local Planning Authority. In particular, Members' views are sought on PPS3 – density, parking, affordable housing, and PPS25 – flooding direction, exception test and role for the Local Planning Authority.

5.0 Recommendation

- 5.1 It is recommended that the views of Overview and Scrutiny Committee be referred to Executive and incorporated into the Council's response to consultations on PPS3 and PPS25.

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**Consultation on Planning Policy Statement 3
Planning Policy Statement 3: Housing**

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).