

Report to	Sustainable development panel	Item
	25 February 2015	
Report of	Head of planning service	7
Subject	Response to government consultation 'Building more homes on brownfield land'.	

Purpose

This report discusses the main proposals in the current government consultation on brownfield land, and seeks members' comments to inform a subsequent city council response for submission by 11 March.

Recommendation

To comment on the government's proposals outlined in this report, to inform the city council's consultation response.

Corporate and service priorities

The report helps to meet the corporate priorities A prosperous city and Decent housing for all, and the service plan priorities To develop the local economy, promote inward investment and regeneration activities; and to develop new affordable housing in the city.

Financial implications

There are no direct financial implications from this report.

Ward/s: All wards

Cabinet member: Councillor Stonard – Environment and transport

Contact officers

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Background documents

None

Report

Introduction – consultation proposals

1. The Department for Communities and Local Government (DCLG) published a consultation 'Building more homes on brownfield land' in late January 2015, with a six week period for responses ending on 11 March. It can be accessed using this link: <https://www.gov.uk/government/consultations/building-more-homes-on-brownfield-land>
- 2.
3. The measures outlined in the consultation document are promoted by the government as a means of increasing the level of house building in England by encouraging greater levels of development on brownfield sites. To this end, the document proposes:
 - A new requirement for local planning authorities to bring forward local development orders (LDOs) on brownfield sites suitable for housing development, with the objective that by 2020 LDOs should be in place on over 90% of brownfield land suitable for housing that does not already have planning permission. See paragraphs 6 to 9 below for further information about LDOs.
 - A definition of brownfield land which is suitable for new housing, which includes land which is deliverable, free of constraint, and capable of development (for more than 5 dwellings). The definition does not make clear whether it is intended to apply to allocated brownfield sites.
 - Sharing of information on progress with bringing forward brownfield land, with data on sites (including size, estimated units, and ownership details) provided to an agreed, common standard and published annually by local planning authorities.
 - Two options for measures to encourage progress:
 - Designation of authorities under section 62A of Town and Country Planning Act 1990 if they under-perform against suggested criteria. Where an authority is designated, applicants would be able to apply directly to Secretary of State for planning permission. Authorities would be liable for designation if LDOs are not in place on 90% of suitable brownfield land by 2020. An intermediate threshold is also proposed, whereby authorities will be liable for designation if they have not got LDOs in place on 50% of brownfield land by 2017.
 - Policy based incentive: local planning authorities which have not made sufficient progress against the brownfield objective would be unable to claim the existence of an up-to-date five year land supply when considering applications for brownfield development.
4. In tandem with this consultation the government is offering local authorities the opportunity to bid for funding from the Local Development Order Incentive Fund to support a local development order for housing on brownfield land, to be submitted by 11 March. The Planning Advisory Service (PAS) is also offering training for local authorities staff to help develop LDOs.

Local Development Orders

5. LDOs were introduced with the Planning and Compulsory Purchase Act 2004 and allow local authorities to extend permitted development rights for certain forms of development. They aim to streamline the planning process by removing the need for developers to apply make a planning application to a local planning authority.
6. LDOs have not been well taken up across the country to date and only a very small percentage of those confirmed so far relate to new residential development. They have been most commonly used in areas zoned for commercial development to allow the development of employment uses or warehousing.
7. Norwich City Council has an LDO in place for replacement windows and doors in flats, adopted in August 2012. As a result, planning permission is not needed for the replacement of windows and doors in flats, providing the conditions in the order are met; however this does not apply to flats in listed buildings or those in conservation areas.
8. LDOs are promoted as having a number of potential benefits including speeding up the planning process, providing greater certainty for developers, leading to improved marketability of sites, and encouraging greater community involvement in the planning of their area.
9. Although the focus on improving development on brownfield land is to be welcomed in principle, the use of LDOs is largely untested as a means of increasing housing supply, and the consultation document raises a number of potential issues of concern for Norwich City Council and other local authorities. In addition, it is not possible to seek Section 106 payments through LDOs, which will impact on delivery of key aspects of the local plan as set out below.

Emerging response and next steps

10. Officers are still trying to assess the possible implications of the proposals for Norwich and produce an appropriate draft response. This process is not helped by a lack of clarity and specificity in the document which makes it difficult to fully assess its impact at this stage. However, if there is a requirement to prepare LDOs for most of the brownfield sites in the city over the next few years this will potentially have very significant impacts on: the ability of the council and the public to engage with the detail of design on particular sites; the ability to secure delivery of affordable housing as part of development proposals; and the ability to influence the mix of uses on particular sites. It could also have significant impacts on the level of income to the planning department and the workload of the service.
11. Further clarification and assessment of the proposals are required before a response to the consultation can be drafted. A verbal update will be given on this work and likely areas of response.
12. Members' comments on the government's proposals are sought. Following the Panel meeting, these comments will be incorporated into the consultation response for submission by 11 March.