

‘Fixing our Broken Housing Market’ – Response of Gateshead Council to Consultation on the Housing White Paper

Policy Context

1. The government is consulting on its White Paper ‘*Fixing our Broken Housing Market*’. The White Paper is organised into four main chapters; “Planning for the right homes in the right places”, “Building homes faster”, “Diversifying the market”, and “Helping people now”. Each chapter includes a number of proposals for changes to national planning regulations and policy, as well as the wider housing market.

Planning for the right homes in the right places

2. The Government suggests that every area requires an up-to-date and effective development plan in order to ensure an effective delivery of housing. Consequently, the government will:
 - where necessary, intervene to ensure that a development plan is put in place;
 - make provision in the National Planning Policy Framework (NPPF) to ensure authorities are working constructively with neighbouring authorities to meet housing requirements that cut across local authority boundaries through a Statement of Common Ground;
 - consult on possible options for introducing a new standardised methodology for assessing housing need “at the earliest opportunity”;
 - expect that local and neighbourhood plans, and more detailed development plan documents (such as Area Action Plans), set out clear design expectations, following consultation with local communities;
 - require plans and individual development proposals to make best use of land and build homes at higher densities, especially in urban locations, and avoid lower densities in areas where there is a shortage of land;
 - take a flexible approach in adopting policy that could inhibit these objectives in particular circumstances; for example, avoiding a rigid application of open space standards if there is adequate provision in the wider area; and
 - review the Nationally Described Space Standard to ensure greater local housing choice is not inhibited.

Building homes faster

3. The Government intends to:
 - enable Local authorities to increase fees for planning applications by 20% from July 2017 if they commit to invest the additional fee income in their planning department. The Government is also considering a further 20%

increase in planning fees for authorities that are delivering the homes their communities need;

- provide £25million of new funding to help ambitious authorities in areas of high housing need to support planning and infrastructure plans;
- deter unnecessary appeals by consulting on introducing a fee for making a planning appeal; and
- the Government will prepare new guidance to local authorities following separate consultation on encouraging the proactive use of their compulsory purchase powers to support the build out of stalled sites.

Diversifying the market

4. The White Paper indicates that:

- the NPPF will be amended to request that local planning authorities have policies to support residential development on small and 'windfall' sites' that were not currently allocated in plans;
- through changes to the NPPF, authorities should plan proactively for Build to Rent where there is a need, and to make it easier for Build to Rent developers to offer affordable private rental homes instead of other types of affordable housing;
- the Homes and Communities Agency will be relaunched as Homes England, with a purpose to 'make a home within reach for everyone'; and
- the government will launch a rent policy for housing associations and local authority landlords to help them to borrow against future income.

Helping people now

5. It is proposed that:

- the NPPF will include a policy requirement that housing sites should deliver a minimum of 10% affordable 'home ownership units', on sites of 10 units or more, or over 0.5 ha;
- the new Community Housing Fund is being formed from additional receipts of the higher rates of Stamp Duty Land Tax. This will be used to support communities in taking the lead on the development of new build homes; and
- the Government will introduce guidance for local planning authorities on how local development documents should meet the housing needs of older and disabled people, including helping people who need supported housing and developing a workable approach to funding supported housing in the future

Gateshead Response

6. There are 38 questions in total addressing the proposed reforms. Gateshead's response to the consultation is set out in the attached annex and includes responses from Spatial Planning, Environment and Housing Growth officers, in

consultation with the Development Management team and Gateshead Housing Company.

7. This follows a number of consultations and reviews carried out over the last year, including proposed changes to the National Planning Policy Framework (NPPF), the report of the Local Plans Expert Group and the Rural Planning Review call for evidence.
8. The outcome of this consultation will inform a revised version of the NPPF which is expected to be published in summer 2017. It is also expected that there will be amendments to wider planning regulations and guidance in relation to sustainable development and the environment. However it is not thought likely that there will be new primary legislation arising directly from the White Paper.

Implications of Recommended Option

9. Resources:

- a) **Financial Implications** – The Strategic Director, Corporate Resources confirms that there are no financial implications arising from this consultation.
 - b) **Human Resources Implications** – No human resources implications.
 - c) **Property Implications** – No property implications.
- 11) **Risk Management Implication** – No risks associated with the consultation.
 - 12) **Equality and Diversity Implications** – Measures to meet the housing needs of older and disabled people, including helping people who need supported housing and developing a workable approach to funding supported housing.
 - 13) **Crime and Disorder Implications** – No crime implications.
 - 14) **Health Implications** – No health implications.
 - 15) **Sustainability Implications** – The measures outlined are aimed at delivering more homes more quickly which will assist in meeting housing needs in Gateshead.
 - 16) **Human Rights Implications** - No human rights implications.
 - 17) **Area and Ward Implications** – The implementation of the proposals that are consulted on in the White Paper could have implications for the next stage of the Gateshead Local Plan, in particular the method used for calculating the objectively assessed housing need for Gateshead. Officers will consider evidence around the possible implications of the implementation of the

proposals in the White Paper, and ensure that the Gateshead Local Plan continues to comply with national planning policy.

Annex

Housing White Paper GATESHEAD COUNCIL RESPONSE	
1	<p>Do you agree with the proposals to:</p> <p>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?</p>
	<p><i>a) Paragraph 156 states: Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver:</i></p> <ul style="list-style-type: none"> - <i>the homes and jobs needed in the area</i> - <i>the provision of retail, leisure and other commercial development</i> - <i>the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)</i> - <i>the provision of health, security, community and cultural infrastructure and other local facilities</i> - <i>climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape</i> <p><i>The Council supports this proposal</i></p>
	<p>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?</p>
	<p><i>b) The Council has some concerns regarding the proposal as outlined due to a lack of clarity:</i></p> <ul style="list-style-type: none"> - <i>on the extent to which such strategies/ allocations would be consulted on, supported by evidence and scrutinised through examination.</i> - <i>on the relationships between such allocations and an individual authority's Local Plan, and concern that such an allocation would be premature to Local Plan consultation and examination processes</i>
	<p>c) Revise the National Planning Policy Framework to tighten the definition of what evidence is required to support a 'sound' plan?</p>
	<p><i>c) The Council supports the proposal to tighten the definition of what evidence is required to support a "sound" plan. Proposals for a more proportionate approach on such matters will ensure that scarce Council resources are used effectively. The Council also supports the proposal whereby the Council should demonstrate an appropriate strategy for the area, rather than the most appropriate, thereby negating the need to undertake potentially superfluous work to demonstrate consideration of alternative strategies where realistic alternatives are limited or non-existent.</i></p>
2	<p>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?</p>
	<p><i>The Council would support proposals to streamline consultation and examination procedures to ensure that they are more proportionate and allow for more timely plan preparation. In particular proposals to negate the need to consider alternative strategies</i></p>

	<i>are welcomed, and the LPEG group proposal to simplify the approach to sustainability appraisal would also be welcomed.</i>
3	<p>Do you agree with the proposals to:</p> <p>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?</p> <p>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?</p>
	<p><i>a) Yes, provided Local Authorities are supported to develop policy targets that reflect local circumstances and need, rather than targets being imposed centrally. The Government need to help LAs overcome the market's reluctance to embrace this agenda. There will also be pressure on viability, if specific policy expectations are established e.g. bungalows which may deter development. There will be pressure from developers on Local Authorities to pick from a list of requirements including affordability and space standards e. t.c</i></p> <p><i>b) Agree in principle with the standardised approach but need clarity on any transitional arrangements for those authorities which have an up-to-date adopted Local Plan Document setting out a housing requirement, if this housing requirement differs from the new methodology. Also need clarity regarding how the new Housing Delivery Test will operate alongside the requirement for a five-year housing land supply.</i></p>
4	<p>Do you agree with the proposals to amend the presumption in favour of sustainable development so that:</p> <p>a) authorities are expected to have a clear strategy for maximising the use of suitable land in their areas?;</p> <p>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?;</p> <p>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?</p> <p>d) its considerations are re-ordered and numbered, the opening text is simplified and specific references to local plans are removed?</p>
	<p><i>a) Yes</i></p> <p><i>b) Yes</i></p> <p><i>c) No. The list is not comprehensive with regard to natural environment designations, and not sufficiently specific with regard to "designated heritage assets". Most importantly, the list makes no allowance for local identification of public open space and recreational assets including but not limited to those of tourism value, other than those covered by Local Green Space which requires a specific designation process. This would override evidence-based local policies to protect open space and sports facilities.</i></p> <p><i>d) Yes</i></p>
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?
	<i>Gateshead is a unitary authority, so this change to disposal is in part not an issue. The General Disposal Consent should be welcome, however, it is important that this does not further reduce local authorities ability to invest in their areas, by an expectation of forfeiting capital receipts, whilst allowing private landowners to maximise land values. Central Government's needs to support local authorities in the development of less viable sites in weaker housing market areas.</i>
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)?
	<i>Land pooling: This would be reliant on genuine, open book transparency, perhaps with independent scrutiny – LAs require capacity to do this. Additional powers: A simpler CPO process that encourages and supports local authorities to proceed with CPO at the early stages of regeneration activity. Timely funding to build capacity to deliver on this very resource intensive process</i>
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?
	<i>Estate regeneration forms a key part of economic growth so it is imperative that Local plans have the flexibility and ability to reflect regeneration objectives, particularly in areas of market failure and low demand where significant demolition may be required in advance of new housing development. As a result of ongoing efforts to address the imbalances in Gateshead's housing stock (supported by previous government programmes of Housing Market Renewal), in addition to the specific market circumstances prevalent in urban areas in the north East of England, Gateshead has had relatively high levels of demolition in recent years, and this programme of demolition is likely to continue in the near future. The Council is also working actively with private landlords and property owners to bring empty homes back into use. Gateshead Council supports the HWP's recognition of the importance of estate regeneration, and a focus on net dwelling completions appears appropriate when considering housing delivery. However, the focus of meeting the needs of new households should consider not only (net) new homes delivered, but should also have regard for empty homes brought back into use. Local Authorities which make a commitment to reducing the number of empty homes in their area (where the proportion of empty homes can be demonstrated to be too high) should be supported by the Government, and PPG should specify that bringing empty homes back into use should be regarded as a potential (albeit limited) source of housing supply. To be consistent with the principles of estate regeneration, the calculation of housing supply (for the purpose of establishing 5-year housing land supply) and delivery (for the purpose of the new housing delivery test) should contain a mechanism which allows the contribution that bringing empty homes back into use makes to the availability of homes for newly forming households.</i>
8	Do you agree with the proposals to amend the National Planning Policy Framework to:

	<p>a) highlight the opportunities that neighbourhood plans present for identifying and allocating small sites that are suitable for housing?;</p> <p>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?;</p> <p>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?;</p> <p>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?;</p> <p>e) expect local planning authorities to work with developers to encourage the sub-division of large sites?; and</p> <p>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?</p>
	<p><i>a) The Council agrees</i></p> <p><i>b) LPAs already do this as part of their Local Plan spatial strategy</i></p> <p><i>c) The support for such sites needs to be supported by robust evidence i.e. needs assessments for specific rural catchments but it must also reflect the spatial development strategy in the Local Plan.</i></p> <p><i>d) In principle, a coordinated approach which supports the diversification of the development industry would be supported.</i></p> <p><i>e) In a time of scarce resources among Local Authority planning departments, it is unclear how this expectation would be implemented in practice.</i></p> <p><i>f) Agree but this may take away from the role of Neighbourhood Plans if they are active within the area.</i></p>
9	<p>How could streamlined planning procedures support innovation and high-quality development in new garden towns and villages?</p>
	<p><i>The Government seems to be moving towards ‘approval in advance’ when it talks of streamlining (e.g. PiPs and Pink Zones). In order for streamlining to deliver better design this needs to be fashioned in a way that frees up more time (and money) for the Local Authority to provide clear and detailed design guidance (design framework or code) for developers to follow. The more material weight given to this guidance the better (this process in itself needs streamlining/expediting). Alternatively, this could be overarching national guidance or legislation that provides strong support for locally produced guidance. The guidance will need to provide a clear set of design parameters or principles and design standards that must be adhered to as residential schemes are detailed up and delivered on site. (This should not be restricted to new garden towns and villages as worded in Q9 but should apply to all new residential development).</i></p>
10	<p>Do you agree with the proposals to amend the National Planning Policy Framework to make clear that:</p> <p>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?</p>

	<p>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?</p> <p>c) appropriate facilities for existing cemeteries should not to be regarded as ‘inappropriate development’ in the Green Belt?</p> <p>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?</p> <p>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?</p> <p>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?</p>
	<p><i>a) Yes, though the reference to optimising the density of development should not lead to a situation where local authorities are required to insist on very dense/high-rise development where it is not in keeping with local character, residential amenity or the capacity of infrastructure and services.</i></p> <p><i>b) No. This could be difficult or impossible to achieve owing to fragmented landownership, and seeking to establish whether it is possible could delay the removal of land from the Green Belt and therefore the adoption of Plans necessary to meet needs.</i></p> <p><i>c) The Council agrees</i></p> <p><i>d) The Council agrees</i></p> <p><i>e) Disagree this could potentially lead to all relevant NPs wanting to amend their Green Belt boundary. To ensure consistency this should be done at the higher Local Plan level in line with any Green Belt deletions and wider Green belt Review study. The level of scrutiny of Local Plans compared to NPs at examination is also not consistent.</i></p> <p><i>f) Yes, provided there is a recognition that Green Belt brownfield sites may be inappropriate for development if they are in unsustainable locations.</i></p>
11	<p>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?</p>
	<p><i>No</i></p>
12	<p>Do you agree with the proposals to amend the National Planning Policy Framework to:</p> <p>a) indicate that local planning authorities should provide neighbourhood planning groups with a housing requirement figure, where this is sought?;</p> <p>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?;</p> <p>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?;</p> <p>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</p>

	<p>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?</p>
	<p><i>a) The Council supports proposals to simplify the housing requirement figure for NPs. This would help speed up the NP process. Further to this it would depend on whether this is a minimum, maximum, a range or simply a guide.</i></p> <p><i>b) The Council strongly supports this proposal to ensure design quality whilst such expectations would need to match general guidance and policy and be ‘properly done’ including illustrations etc. Such documents need to be clear and appropriately detailed, whilst the adoption process for these types of documents is too protracted and needs to be much quicker so that LA’s can react/respond appropriately. LA resources/funding would be an issue.</i></p> <p><i>c) NPPF should emphasise the importance of pre app discussions on any application but particularly those for new housing – but for all aspects of the scheme not just design and types of housing.</i></p> <p><i>d) Design is subjective and very difficult to set out in local policy but the Council broadly agrees.</i></p> <p><i>e) It would be useful to have criteria for design assessments which would result in higher quality development. The BFL standard is rarely achieved – particularly in the current economic climate. It would be helpful if there was funding/training available for internal assessors for each authority or for a group of authorities, otherwise it is open to interpretation and potentially expensive for an LA (if on own schemes).</i></p>
13	<p>Do you agree with the proposals to amend national policy to make clear that plans and individual development proposals should:</p> <p>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?;</p> <p>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?;</p> <p>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?;</p> <p>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?</p>
	<p><i>a) Yes provided plans and development proposals can take account of considerations regarding the historic built environment, local character and amenity - this includes density, in relation to urban grain and established settlement pattern.</i></p> <p><i>So proposals should be contextually appropriate. In rural less built-up areas densities should be limited otherwise risks undermining the character and desirability of an area. New development must not be harmful to local character.</i></p> <p><i>On the other hand this could be useful guidance helping us to refuse permission where we believe a site could deliver more housing.</i></p> <p><i>b) Yes but there should not be a formulaic approach requiring specific densities in specific types of location, as this would (a) run into definition issues and (b) have insufficient</i></p>

	<p><i>regard to local authorities’ role in place-making, sensitive to the needs and character of particular locations.</i></p> <p><i>The expectation should be that this would not negatively affect the urban landscape, whilst a positive approach is needed to appropriate transport requirements i.e. a flexible approach to parking standards or other, and if not meeting parking standards – guidance needs to be clear on alternative/enhanced contributions development will make towards public transport and/or highway network if/where needed.</i></p> <p><i>c) Yes see answer to (b) above - it should not just be that development will ‘reflect’ local character – alternatively it could ‘enhance’ local character.</i></p> <p><i>d) It is not very clear what this question means, but any flexibility in policies should be explicit in those policies for clarity and to ensure proper testing at the time of plan-making, not applied retrospectively. Flexibility in applying parking standards in such circumstances should be considered.</i></p>
14	<p>In what types of location would indicative minimum density standards be helpful, and what should those standards be?</p>
	<p><i>The Council does not believe that it would be helpful to indicate specific minimum density standards either in general or for particular types of location, as the densities necessary to meet needs vary very greatly between different local authority areas and regions. Councils should be required to show through the examination of their planning policies that any proposed density policies are consistent with the delivery of sufficient housing to meet their needs.</i></p> <ul style="list-style-type: none"> <i>- this is not a major issue in Gateshead due to viability</i> <i>- Standards may require an audit by the LA to determine the impact on the urban landscape and what would be appropriate i.e. flats etc, but this will also likely require a maximum element in terms of storey height etc..</i> <i>- Density must be considered alongside built form (building typology), layout and what is contextually appropriate in terms of reflecting or enhancing character - it cannot be determined in isolation otherwise it runs the risk of incorrectly predetermining one of the other factors and result in an inappropriate design solution.</i>
15	<p>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)?</p>
	<p><i>There is limited capacity within many such existing sites e.g. schools and hospitals and much of it is likely to be needed in reserve for expansion of service delivery. This Council, like others, is very well aware of the need to consider the best use of its own and other public sector land. Therefore, whilst the Council is supportive of the aim of this approach, we do not believe any specific measures are necessary or would be helpful, beyond those available at present.</i></p> <p><i>The Council would request additional Central Government funding to remove barriers to the development of Brownfield Land, contamination for example, and/or means by which to “move on” or to deal with otherwise potentially prohibitive ecological issues. Stronger mitigation measures that make brownfield land more appealing.</i></p>

	<p><i>Unfortunately it comes down to viability and abnormal costs (flood mitigation, contamination etc.) associated with brownfield sites and neither developers or LA's have the funding to 'plug the gap' to make high quality schemes viable/deliverable. Also, many brownfield sites can provide varying degrees of ecological value and to develop these creates issues of conflict with NPPF and ecology policy!? The government needs to resolve these conflicts to enable development and 'remove' abnormal costs from the equation.</i></p>
16	<p>Do you agree that:</p> <p>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?;</p> <p>b) the Planning Inspectorate should consider and agree an authority's assessment of its housing supply for the purpose of this policy?</p> <p>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?</p>
	<p><i>a) The Council has no strong views on this but is unclear on the justification for the proposed 10% buffer</i></p> <p><i>b) Anything that involves annual reference to the Planning Inspectorate will inevitably increase complexity and delay.</i></p> <p><i>c) The response in (B) will be even more applicable if the Inspectorate is to examine the validity of the supply figure, site by site. Given our understanding of current resources at PINs, the potential additional burden of assessing each LA's 5-year housing supply in a robust manner each year would place a considerable additional requirement onto the Inspectorate. The introduction by CLG of an additional policy requirement, not supported by increased resources to implement the requirement could lead to increased uncertainty and delays, having a counter-productive effect for the delivery of new housing.</i></p>
17	<p>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:</p> <p>a) a requirement for the neighbourhood plan to meet its share of local housing need?;</p> <p>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?</p> <p>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?</p>
	<p><i>a) Agree this needs to be more clearly set out as to prevent NPs being set up to restrict development. Would be useful for clarity on what "it's share" means i.e. for the NP area or a wider catchment.</i></p> <p><i>b) Agree but relates to previous comments in Q7 about tackling estate regeneration e.g. large-scale demolition and the impact on net housing delivery, how will this be factored in.</i></p> <p><i>c) As long as there are policies facilitating development that should suffice. There may not</i></p>

	<i>be any sites at present to allocate and future sites may be windfall development.</i>
18	<p>What are your views on the merits of introducing a fee for making a planning appeal? We would welcome views on:</p> <p>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;</p> <p>b) the level of the fee and whether it could be refunded in certain circumstances, such as when an appeal is successful; and</p> <p>c) whether there could be lower fees for less complex cases.</p>
	<p><i>No merit - costs claim is sufficient to allow LPAs to regain costs of unnecessary appeals.</i></p> <p><i>Fees should be payable to both the LPA and PINS for the cost of the processing of the appeal – including additional consultations etc. which can be significant on larger schemes.</i></p> <p><i>a) Proportionate fees based on the scale of the development and the number of reasons for refusal considered would allow SME's to bring forward legitimate appeals.</i></p> <p><i>b) Do not agree that fee would be refunded as cost of processing would be incurred whether appeal is successful or not. Current system of applicants costs sufficient to reimburse where unsubstantiated refusals are made.</i></p> <p><i>c) See response to a)</i></p>
19	<p>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?</p>
	<i>Allocations for new development are not currently dependent on the provision of digital infrastructure to the same extent as other types of infrastructure, such as roads and schools, for example. However, the Council recognises the value in encouraging maximum coverage to enable digital access, particularly for residents and businesses in more remote areas. An effective approach would rely on operators sharing networks and engaging with local authorities in how an expanded network will be rolled out.</i>
20	<p>Do you agree with the proposals to amend national policy so that:</p> <ul style="list-style-type: none"> - the status of endorsed recommendations of the National Infrastructure Commission is made clear?; and - authorities are expected to identify the additional development opportunities which strategic infrastructure improvements offer for making additional land available for housing?
	<p><i>Gateshead Council would support the proposal to clarify the status of endorsed recommendations of the National Infrastructure Commission</i></p> <p><i>Gateshead Council supports that principle of authorities having to identify additional development opportunities arising from strategic infrastructure improvements – it should be made clear though that depending on the status of the land in question the most appropriate means of doing this might be through the preparation or a review of the Local Plan.</i></p>
21	<p>Do you agree that:</p>

	<p>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?</p> <p>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?</p> <p>c) the basic information (above) should be published as part of Authority Monitoring Reports?</p> <p>d) that large housebuilders should be required to provide aggregate information on build out rates?</p>
	<p><i>a) The Council considers that it would be useful to have estimated start dates and build out rates included in the application form, however, it is likely that either a developer won't know or will make up a date particularly if they are not bound by it. Would there be scope for invalidating or refusing an application if this information is not provided or if build out rates are considered to be too low?</i></p> <p><i>The Council regularly receives applications submitted as a valuation exercise where the land is then sold onto a developer. There would be a lack of knowledge of how and when development would be delivered in such cases.</i></p> <p><i>Could this be part of the PPA where required on certain applications?</i></p> <p><i>b) The Council would query whether this would be addressed through conditions and whether such an approach would be enforceable – we couldn't enforce if build out rates are not as reported/indicated.</i></p> <p><i>Councils would require the NPPF to set out the requirement to do this or be part of a statutory register outside of the planning process. Resources would be required for monitoring and enforcing these - how would LPAs intervene if projected targets are not being achieved.</i></p> <p><i>c) The Council considers that it could be useful to include this information within annual monitoring reports to check against delivery - however, this would be reliant on the accuracy of the information submitted by developers, and would be an additional resource requirement on LPAs.</i></p> <p><i>d) The Council would request clarity on whether this would be by LPA area or country wide?</i></p>
22	<p>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?</p>
	<p><i>How to justify – if used as a reason for refusal would need clear guidance in NPPF about what factors would be considered. Regularly get applications submitted as a valuation exercise where the land is then sold onto a developer. Would not have any knowledge of how and when development would be delivered in these cases.</i></p>

	<p><i>A statement explaining why previous permissions have not been delivered could be a useful material consideration for a difficult site.</i></p> <p><i>Viability assessments submitted with applications regularly show that sites are not viable and cannot support contributions such as affordable housing. As such they would also fail to meet any deliverability tests.</i></p>
23	<p>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.</p>
	<p><i>Again how to justify – if used as a reason for refusal Councils would need clear guidance in the NPPF about what factors would be considered. The Council regularly receives applications submitted as a valuation exercise where the land is then sold onto a developer. We would not have any knowledge of how and when development would be delivered in these cases.</i></p> <p><i>There is a concern that the ability to use deliverability could result in spurious reasons/justification for a refusal. Any previous inability to deliver, such as enforcement issues, would go against the new application. Developers would be able to get around this by setting up separate companies through which to apply.</i></p> <p><i>It would be detrimental to developers with no experience of development in the area as would not be able to demonstrate ability to deliver housing. It would lead to an additional resource burden to check the evidence of delivery if from outside the LPA area.</i></p> <p><i>This goes against principle that planning permission goes with land.</i></p>
24	<p>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?</p>
	<p><i>See response to question 23</i></p>
25	<p>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.</p>
	<p><i>This is not considered necessary. Due to the viability of sites, often don't consider details until discharge of conditions stage of application as costly to prepare and developers won't fund until certainty of gaining planning permission achieved. This stage often takes some time to complete.</i></p> <p><i>No evidence that developers are delaying commencement to later in the three year period deliberately.</i></p> <p><i>Developers wait for the Judicial Review period before getting on site so this would lessen the implementation time further.</i></p>
26	<p>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?</p>

	<p><i>Yes if there is clear criteria for when process is appropriate. Have never used this in Gateshead.</i></p>
27	<p>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?</p>
	<p><i>This would be catastrophic in Gateshead where lending is a significant issue presently. Smaller developers find it difficult to secure funding and any risk that the costs would escalate as a result that the LPA could serve a completion notice.</i></p> <p><i>If this is linked to the build out rates submitted with the application as per question 21 developers would just build in some contingency.</i></p>
28	<p>Do you agree that for the purposes of introducing a housing delivery test, national guidance should make clear that:</p> <p>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?</p> <p>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?</p> <p>c) Net annual housing additions should be used to measure housing delivery?</p> <p>d) Delivery will be assessed over a rolling three year period, starting with 2014/15 – 2016/17?</p>
	<p><i>a) Yes – post NPPF adopted plan</i></p> <p><i>b) Happy for a standardised methodology if there is no up to date Local Plan in place.</i></p> <p><i>c) No the Council does not agree based on comments in Q7 linked to estate regeneration and demolition plans – make low demand housing market areas more likely to under deliver.</i></p> <p><i>d) Where there is a post-NPPF plan in place, the assessment should be over the Plan period to date, as otherwise previous over-delivery would not be able to be taken into account – it may be that sites have come forward earlier than anticipated, and this should not be discounted.</i></p> <p><i>The Government needs to carefully consider the appropriateness of data sources for monitoring housing delivery to be used in the new HDT. Current CLG records of net housing delivery are published in live table 122. However, these data result from HFR returns, which may not always tally with an LPA's published AMR (because of different timescales involved in their preparation, and due to the different definition of dwelling stock applied in the HFR [includes communal accommodation]). In addition, CLG will revise their estimate of net dwelling provision to reflect the count of dwelling stock provided in the Census, accounting for discrepancies by applying a simple pro-rata adjustment to each of the ten years between Census. The current approach may be appropriate for measuring dwelling additions at the national level, but seems to not be fit for the requirements the new HDT will introduce.</i></p>
29	<p>Do you agree that the consequences for under-delivery should be:</p> <p>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?;</p>

	<p>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%?;</p> <p>c) From November 2018, application of the presumption in favour of sustainable development where delivery falls below 25%?;</p> <p>d) From November 2019, application of the presumption in favour of sustainable development where delivery falls below 45%?; and</p> <p>e) From November 2020, application of the presumption in favour of sustainable development where delivery falls below 65%?</p>
	<p><i>a) No, the figure is too restrictive and takes too little account of fluctuations in the normal course of events or because the housing market is weakening generally, which the local authority has little control over. If the requirement for an 'action plan' is introduced, the Government should be clear on the appropriate scope. Given the relatively small scale of under-delivery (only 5% below target) any new policy requirement should make clear that an action plan should be proportionate, and not place undue burden on already stretched local authority resources.</i></p> <p><i>b) - e) As stated above, this approach does not take account of possible previous over-delivery. Therefore, any such provisions should take account of whether there has been persistent under-delivery, as at present. However, the general principle of a graduated approach is supported.</i></p>
30	<p>What support would be most helpful to Local Planning Authorities in increasing housing delivery in their area?</p>
	<ul style="list-style-type: none"> <i>• Further removal of local authorities ability/ duty to properly plan housing development is not the answer to achieving long-term, sustainable development.</i> <i>• A simpler CPO process that encourages LAs to proceed with CPO at the early stages of regeneration activity - an ability to serve CPOs on allocated land where either no applications or permissions have been submitted, or where multiple owners are preventing agreement on a scheme being agreed. An example in Gateshead is a neighbourhood growth area in Ryton with capacity to deliver 550 homes but which is being held up.</i> <i>• Timely enabling funds that allow us to build capacity when we need it, not just when Gov't funding bidding rounds arise.</i> <i>• Recognition that in Gateshead the key barrier to development is not planning, but high development costs and lower sales values, (more profitable for developers to go elsewhere); so we require grant or long-term investment funding to overcome viability, and incentivise development in Gateshead.</i> <i>• Additional LPA resources including the return of area based regeneration initiatives and regionally specific support e.g. tailored government funding.</i> <i>• Coordinated approach to planning over strategic areas (not just LPA areas, or the combined areas of those LPAs who opt to work on joint plans) would result in more sustainable patterns of growth, would aid delivery of Local Plan documents. It would also provide certainty and infrastructure delivery that would improve overall housing delivery and strengthening housing markets.</i> <i>• Finance lending with the ability to take greater risks on SME builders than current lenders.</i>

	<ul style="list-style-type: none"> • <i>Resources. In specialisms. Non statutory consultees have been cut significantly in most LPA's.</i> • <i>Frontloading constraints as suggested would require a significant advance investment.</i> • <i>Streamline the appeals process to reduce the resources required from the LPA to defend a case. In addition to placing additional pressure on LPA resources, the resource demands of appeals could dissuade some LPAs from refusing applications they would otherwise wish to prevent</i> • <i>Committee reports – required to include significantly more detail in order to avoid challenge.</i> • <i>National consistency on validation.</i> • <i>The Council suggests having a competent person's scheme for certain issues which would reduce the need for LPA experts to check submitted information. However, this would need to be robust to ensure issues are addressed and mitigated appropriately.</i>
31	<p>Do you agree with our proposals to:</p> <p>a) amend national policy to revise the definition of affordable housing as set out in Box 4?;</p>
	<p><i>A clear definition of "affordable home ownership" is required. The definition for Starter Homes doesn't appear to include any perpetuity/recycling clause as suggested earlier in the White Paper</i></p> <p><i>The widening out of affordable and recognition of that Starter Homes should be part of a mixed package of affordable housing is welcome. This will ensure that all age groups will benefit from affordable provision. It will be very important that Local Authorities retain the ability to set their own overall targets for Affordable homes, and to set the split of affordable accommodation types, based on local evidence.</i></p> <p><i>Social rented and affordable rented housing provision is always undermined by Right to Buy.</i></p>
	<p>b) introduce an income cap for starter homes?;</p>
	<p><i>Yes. There still needs to be an adequate assessment of eligibility/need, depending on average local incomes and individual site sale values.</i></p> <p><i>There is still concern that the focus on starter homes will not allow local authorities to plan for their local housing need. There will be tension with proposals to encourage more development that meets the needs of our ageing population.</i></p>
	<p>c) incorporate a definition of affordable private rent housing?;</p>
	<p><i>A clear definition will be necessary.</i></p> <p><i>How this will be subsidised, needs to be very clearly set out - there must be a level playing field, including for Registered Providers to enter this market.</i></p> <p><i>The Council would question how this will be monitored and enforced?</i></p>

	<p><i>Why is the rent level (20% below local market rent) set differently than “affordable rent” offered by the social sector– what is this indicating?</i></p> <p><i>How will inclusion of “Affordable private rent housing within the definition of “Intermediate housing” work? Why duplicate?</i></p>
	<p>d) allow for a transitional period that aligns with other proposals in the White Paper (April 2018)?</p>
	<p><i>This review of the definition will not assist local authorities who are in the middle of developing policies or carrying out SHMAs – a transition period is not the issue.</i></p>
32	<p>Do you agree that:</p> <p>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?</p>
	<p><i>Gateshead requires 15% affordable homes on sites of 15 or more dwellings (encouraging 65% for subsidised rent and 35% for subsidised homeownership) – This varies from the proposal in b) below. It will be very important that Local Authorities retain the ability to set their own overall targets for Affordable homes, and to set the split of affordable accommodation types, based on local evidence.</i></p>
	<p>b) that this policy should only apply to developments of over 10 units or 0.5ha?</p>
	<p><i>This is a lower threshold than in Gateshead currently but appears reasonable. A very low development/site size threshold would discourage and/or delay development and adversely impact on small developers.</i></p>
33	<p>Should any particular types of residential development be excluded from this policy?</p>
	<p><i>This should be a matter for Local Authorities to determine, subject to evidence based assessment. However, It will be important that Government policy supports and backs up Local Authorities that have an evidenced based assessment of local need.</i></p>
34	<p>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?</p>
	<p><i>The Council agrees.</i></p>
35	<p>Do you agree with the proposals to amend national policy to:</p> <p>a) Amend the list of climate change factors to be considered during plan-making, to include reference to rising temperatures?</p> <p>b) Make clear that local planning policies should support measures for the future resilience of communities and infrastructure to climate change?</p>
	<p><i>a) No objectives to this amendment. There would be minimal implications for Gateshead as a result of this change as rising temperatures are already a consideration for the implications of climate change.</i></p> <p><i>b) This Council has a policy in a post-NPPF adopted Plan which states that development</i></p>

	<p><i>must 'provide resilience to the ongoing and predicted impacts of climate change'. There is no objection to the suggested amendment.</i></p>
36	<p>Do you agree with these proposals to clarify flood risk policy in the National Planning Policy Framework?</p>
	<p><i>The Council broadly agrees with the proposals as set out but would be concerned regarding the resource implications arising from the proposals.</i></p>
37	<p>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?</p>
	<p><i>The Council already does this to a certain extent, but it is difficult to take into account future growth or changes in the operation of adjacent commercial premises.</i></p> <p><i>An example of this in Gateshead is a residential scheme near to a manufacturing plant. Although noise assessments identified and predicted future noise levels from site, 24 hour working was implemented without any planning control and operations changed which led to noise complaints from residents.</i></p>
38	<p>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?</p>
	<p><i>There would concerns over the incorporation of the Ministerial Statement into NPPF, in particular reference to only permitting 1 or more wind turbines in areas identified as suitable for wind energy in a plan. As Gateshead Council has not identified such areas, this would result in no turbines being permitted in Gateshead. As interest in wind energy in Gateshead is limited, the impact would be currently minimal, however it would not be prudent to rule out future interest. In addition, there is no clarity on whether this includes small-medium scale turbines, for which there is more scope in Gateshead.</i></p> <p><i>In addition the notion that local communities should back any proposals for wind turbines is a barrier to their development, and is not a pre-requisite for other types of development, and is therefore an inconstant approach when considered against the NPPF's presumption in favour of sustainable development.</i></p>