Cabinet

Tuesday 3 May 2016

9.00 am, Colman and Cavell Rooms
South Norfolk House, Cygnet Court, Long Stratton, Norwich, NR15 2XE

If you have any special requirements in order to attend this meeting, please let us know in advance
Large print version can be made available

Contact Claire White on 01508 533669 or democracy@s-norfolk.gov.uk
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<td>Mrs Y Bendle</td>
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This meeting may be filmed, recorded or photographed by the public; however anyone who wishes to do so must inform the chairman and ensure it is done in a non-disruptive and public manner. Please review the Council’s guidance on filming and recording meetings available in the meeting room.

**Group Meetings**

Conservatives – 8.00 am, Cabinet Office

Liberal Democrats – 8.15 am, Kett Room
Agenda

1. To report apologies for absence;

2. Any items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act, 1972. Urgent business may only be taken if, "by reason of special circumstances" (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency;

3. To Receive Declarations of Interest from Members; (please see guidance – page 5)

4. To confirm the minutes of the Cabinet meeting held on 21 March 2016; (attached – page 6)


7. **Starter Homes Regulations: Technical Consultation Response;** (report attached – page 48)

8. **Request from Gissing Parish Council for South Norfolk Council to exercise Compulsory Purchase powers to purchase land;** (report attached – page 64)

9. **Cabinet Core Agenda;** (report attached – page 69)
DECLARATIONS OF INTEREST AT MEETINGS

Members are asked to declare any interests they have in the meeting. Members are required to identify the nature of the interest and the agenda item to which it relates.

- In the case of other interests, the member may speak and vote on the matter.
- If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed.
- If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting.
- Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.
- In any case, members have the right to remove themselves from the meeting or the voting if they consider, in the circumstances, it is appropriate to do so.

Should Members have any concerns relating to interests they have, they are encouraged to contact the Monitoring Officer (or Deputy) or another member of the Democratic Services Team in advance of the meeting.
CABINET

Minutes of a meeting of the Cabinet of South Norfolk District Council held at South Norfolk House, Long Stratton on Monday 21 March 2016 at 9.00 a.m.

Members Present:

Cabinet: Councillors J Fuller (Chairman)
Y Bendle, L Hornby, M Edney and K Mason Billig

Apologies: Councillor M Wilby

Non-Appointed: Councillors D Bills, L Dale, M Gray, N Legg, T Lewis and V Thomson

Officers in Attendance: The Chief Executive (S Dinneen), the Director of Business Development (D Lorimer), the Director of Community Services (P Boyce), the Director of Growth and Localism (T Horspole), the Head of Growth and Economic Development (J Munson), the Accountancy Manager (M Fernandez-Graham), the Planning Policy Manager (A Nicholls) and the Policy Officer (P Chapman)

2446 MINUTES

The minutes of the meeting held on Monday 15 February 2016 were agreed as a correct record and signed by the Chairman.
2447 CHAIRMAN’S ANNOUNCEMENTS

The Chairman referred to the recent announcement from the Government, that a devolution deal to propose a combined authority for Norfolk, Suffolk and Cambridgeshire was to be created. He stressed that the deal was in its early stages and explained that members would have further opportunities to debate the context of the bid, as more details emerged.

Cllr M Edney wished his thanks to be recorded to all staff involved in arranging the GEMs event held Friday 18 March. Cabinet expressed their congratulations to all those who had been nominated, and those who had won awards on the evening.

2448 UPDATED (DRAFT) SOUTH NORFOLK STATEMENT OF COMMUNITY INVOLVEMENT

The Subject of the Decision

Members considered the report of the Planning Policy Manager, which sought Cabinet approval to undertake public consultation on the updated draft South Norfolk Statement of Community Involvement (SCI).

The Planning Policy Manager presented his report, explaining that the commencement of the Greater Norwich Local Plan was a sensible time to update the existing SCI.

Discussion followed with regard to the length of time and the resources required in order to create and adopt a Local Plan, and officers confirmed that a current government consultation did contain proposals concerning the granting of outline planning permission at the site allocation stage of the Local Plan process. Cllr Gray stressed the need to engage with the public at an earlier stage and suggested that “My South Norfolk” might be an appropriate tool to publicise proposed allocation sites. The Chief Executive stressed that the clarity of message was important throughout the whole Local Plan process.

In response to a query, the Planning Policy Manager confirmed that a new web address for the Greater Norwich Local Plan would soon be activated, to act as repository for all relevant documents.

The Decision

RESOLVED To:

1. Agree the updated draft Statement of Community Involvement (detailed at Appendix 1 of the report) for public consultation for a period of eight weeks, likely to run from late March/early April to May/June 2016;
2. Delegate authority to the Director of Growth and Localism, in consultation with the Cabinet Members for External Affairs and Regulation & Public Safety, to make any necessary minor changes to the document prior to its publication for consultation;

3. Delegate authority to the Director of Growth and Localism, in consultation with the Cabinet Members for External Affairs and Regulation & Public Safety, to assess the comments received during the consultation period, make any appropriate adjustments to the document, and then adopt it.

The Reasons for the Decision

To ensure that the SCI is up to date, and complies with statutory requirements.

Other Options Considered

To delay going out to public consultation.

2449 BRECKLAND LOCAL PLAN PREFERRED DIRECTIONS CONSULTATION RESPONSE

The Subject of the Decision

Members considered the report of the Planning Policy Manager, which presented members with the combined Greater Norwich response to the Breckland Local Plan Preferred Directions consultation.

The Planning Policy Manager outlined his report, explaining that Greater Norwich Growth Board (GNGB) had felt that there needed to be much clearer references and emphasis on the importance of the A11 corridor as a whole. Members also noted the potential impact on Wymondham Leisure Centre due to the possible deficit in indoor sports provision in Attleborough.

Members were satisfied that the GNGB response had covered the main points relevant to South Norfolk, and that a separate response from the Council was not required.
The Decision

RESOLVED: To agree the combined Greater Norwich response to the Breckland Local Plan Preferred Directions consultation, as outlined at Appendix 1 of the report.

The Reasons for the Decision

To ensure a strategic and coordinated approach to planning policy, throughout the county.

Other Options Considered

To send a separate South Norfolk response to the consultation.

2450 CONTROL OF ADVERTISEMENTS IN SOUTH NORFOLK

The Subject of the Decision

Members considered the report of the Planning Policy Manager and Development Manager, regarding the control of advertisements in South Norfolk.

The Planning Policy Manager presented his report to Cabinet. Members agreed that a review of the Council’s guidance note for signs in the open countryside in connection with businesses, was appropriate, to reflect changes caused by the adoption of Policy DM3.9 and the National Planning Policy Framework (NPPF) and Planning Practice Guidance. The Chairman added that it was important to recognise that the Council had a responsibility to help local businesses, but that some advertisements were not acceptable due to their visual impact or as a matter of public safety. Referring to the guidance, he requested that a map detailing “Areas of Special Control of Advertisements”, be included.

Members were also informed of proposals to examine the scope for enforcement powers on highway land to be devolved from Norfolk County Council, to South Norfolk Council. Some members expressed their frustration with the promptness of enforcement action in some cases, and were therefore supportive of these proposals. The Chief Executive stressed that the Council would not be looking to take on additional responsibility without the appropriate resources being in place.
Referring to the recent case of unauthorised signage on the A140/A47 junction, the Director of Growth and Localism informed Cabinet that the land owner and relevant business had been asked to take down the signage by 24 March, and this was welcomed by members.

The Decision

RESOLVED: To

1. Delegate authority to the Director of Growth and Localism, in consultation with the Cabinet Members for External Affairs and Regulation & Public Safety, to review and update the current South Norfolk guidance note “Advertisements and Business Signs in the open Countryside - Guidance notes for Potential Applications” (detailed at Appendix 1 of the report). The guidance to include a map detailing “Areas of Special Control of Advertisements”;

2. Delegate authority to the Director of Growth and Localism to examine the scope for enforcement powers on highway land to be devolved from Norfolk County Council to South Norfolk Council.

The Reasons for the Decision

To ensure that the Council’s guidance on advertisements is up to date and in line with the NPPF

Other Options Considered

Not to update the guidance.

2451 BROADBAND PROVISION – FORWARD PLAN

The Subject of the Decision

Members considered the report of the Head of Growth and Economic Development, which provided an update to Cabinet on broadband provision in South Norfolk, and presented a proposed plan of activity to enable high speed broadband services based on wireless technologies to be made available to those rural areas not part of the current and future Better Broadband for Norfolk programme.
The Head of Growth and Economic Development informed members that the new Superfast Extension Programme (SEP), with the extra investment from South Norfolk Council, would take coverage in South Norfolk up to 93% by 2018/19. This went beyond the initially quoted 91% coverage, but was still short of the county target of 95%. Members recognised that 100% was not achievable in such a rural area, but sought to close the gap and to provide maximum coverage of high speed broadband where possible.

Members noted that in order to extend the provision of superfast broadband within South Norfolk to beyond the planned level of 93%, alternative solutions, such as wireless and satellite required consideration. In some areas the only solution might be to provide public WiFi ‘hotspots’ at access points such as village halls. The Chairman reminded Cabinet that some members had used their member grant budgets to install superfast hubs in public areas, and he also stressed that parish councils had a role to play in delivering the proposals.

The Decision

RESOLVED: That officers progress the development of a detailed project proposal, with financials, for a new programme to enable high speed broadband services (based on wireless technologies) to be made available to those rural areas identified as not part of the current and future Better Broadband for Norfolk programme.

The Reasons for the Decision

To ensure maximum coverage of high speed broadband, wherever possible.

Other Options Considered

None.

2452 NORWICH RESEARCH PARK: ENTERPRISE ZONE

The Subject of the Decision

Members considered the report of the Director of Growth and Localism, which provided more information on the benefits that Enterprise Zone status could provide to the Norwich Research Park and South Norfolk, and sought Cabinet approval in principle for the overall programme.
The Director of Growth and Localism presented his report to Cabinet, outlining the benefits and opportunities the Enterprise Zone could bring to the District as a whole.

Members’ attention was drawn to Appendix 3 of the report, the Non-Domestic Rates – Mandatory and Discretionary Rate Relief Guidelines, which required amending to ensure that they reflected the Government Deal regarding business rates in the Enterprise Zone area. It was noted that there were other changes to the guidelines, unconnected to the Enterprise Zone, and Cllr Y Bendle referred to the removal of Retail Rate Relief, and the possible impact on small businesses. The Policy Officer advised members that a full analysis of the impact of this had taken place and that some, but not all smaller businesses would be adversely affected. The Chief Executive stressed that this was a complex issue, and officers were continuing to work through future options on providing temporary relief for those affected by the changes.

Members welcomed the proposals and noted that a further report would be presented at the May meeting of the Cabinet, providing more detail on the investment programme and the working arrangements between partner bodies.

The Decision

RESOLVED: To

1. Support the proposed Enterprise Zone for Norwich Research Park and the principles outlined within the report;

2. Modify the Business Rates Transitional Relief Policy in accordance with the amendments attached at Appendix 3 of the report

The Reasons for the Decision

To create a real step change to the local economy, in terms of jobs, growth and prosperity.

Other Options Considered

None.
The Subject of the Decision

Members considered the report of the Accountancy Manager, which sought Cabinet approval to enter into the borrowing agreement documents prepared by the UK Municipal Bonds Agency.

Cllr M Edney stressed that the Joint and Several Guarantee would only be entered into if the Council borrowed from the Agency. Members agreed that the proposals were a sensible way forward and noted that although the Council had no current need to borrow externally, entering into the Framework Agreement would enable the Council to access funding from the Agency if and when required.

The Decision

RESOLVED: To:

1. Approve the Council’s entry into the Framework Agreement and its accompanying schedules including the joint and several guarantee;

2. Delegate authority to the Director of Business Development as Section 151 Officer and the Governance and Business Manager as Monitoring Officer to sign those documents, as appropriate, on behalf of the Council;

3. Grant the Section 151 Officer delegated authority to agree amendments to the Framework Agreement as appropriate.

The Reasons for the Decision

To ensure that the Council has access to cheaper capital finance, should external borrowing be required.
Other Options Considered

None

2454 CABINET CORE AGENDA

With reference to the Purchase Notice received in relation to the Kings Head, Pulham St Mary, the Director of Growth and Localism explained that the appeal submitted by the owner of the property had been dismissed by the Planning Inspector. Once the period for appeal had expired, officers planned to meet the owner to negotiate the acquisition of the property, and if this proved not to be feasible, the potential compulsory purchase of the site would be explored further.

(The meeting concluded at 10.15 a.m.)

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Chairman
South Norfolk Council Home Options Policy Review

Report of the Housing Access & Standards Manager
Cabinet Member: Yvonne Bendle (Wellbeing and Early Intervention)

CONTACT
Tony Cooke (01508 533754)

tcooke@s-norfolk.gov.uk
1. Introduction

1.1 South Norfolk Council’s Housing Allocations Scheme was adopted in 2012 and is the policy that sets out the procedures the Council follows in the allocation of affordable rented housing in the district. Following discussions with users and the scheme landlords (Housing Associations that are members of the scheme), officers are proposing changes to the policy. Cabinet approval for the changes is required.

2. Background

2.1 As a Housing Authority, the Council is required to have a written policy setting out how it will assess customers who would like to rent affordable homes in order to determine whether they are eligible for an application, qualify to make an application, and what their level of housing need is (assessed against 5 bands).

2.2 Certain people from abroad, including some who are subject to immigration control, are not eligible for an allocation of affordable housing; these people are defined in regulations set by Government and updated regularly. Qualifying applicants must have a housing need that places them in Emergency, Gold, Silver or Bronze Bands and/or have a specified local connection with South Norfolk that could put them into the Low Need band.

2.3 The Council stores the information about eligible and qualifying tenants on an electronic database known as its Housing Register. This information is shared with the Scheme landlords.

2.4 Each week the scheme landlords advertise the properties that are available to rent on a Council-managed website and customers on the register are able to apply for the properties that meet their assessed needs.


2.6 The existing scheme was approved by Cabinet in March 2012 and fundamentally remains fit for purpose. However in the course of time and operation, officers and partners have identified a number of changes they recommend are made to the policy to better
enable the Council to ensure housing supports the aim of helping people seeking and retaining employment, and assist the scheme landlords to better manage their stock.

3. Current Position

3.1 The Council and Scheme landlords are fully committed to enabling customers to play an active role in choosing where, and in what property type and tenure they live, while continuing to house those people in the greatest housing need and complying with all relevant legislation.

3.2 When the scheme was introduced in April 2012 there were 2,462 people on the register; on the 4th April 2016 there were 726.

3.3 Since the introduction of the scheme in 2012 the scheme landlords have advertised 3,154 properties on the South Norfolk Council Home Options website.

4. Proposals

4.1 The proposed changes are shown on Appendix One and fall generally into five areas:

4.2 **Local Connection** – two changes are proposed. The first is to take into account Government guidance issued in March 2015 intended to “… ensure that local connection requirements do not prevent social tenants from moving into an area to take up work or apprenticeship opportunities”. Officers propose including people with temporary contracts or undertaking Training/Apprenticeships within South Norfolk as having a local connection qualification. Member guidance is sought on the qualifying time criteria in these cases which will be included in the guidance officers administering the scheme. The second includes people who been resident in South Norfolk for three of their last ten years as having a local connection; this second change will bring the local connection in line with section 106 agreements.

4.3 **Hard to let flexibility** – despite the number of people on the register far exceeding the number of properties available each week, occasionally some properties are not let at first advert and such voids result in lost rental and council tax income. The first
proposal allows the Housing Access & Standards Manager flexibility to extend the eligibility criteria making a hard to let property available to a wider pool of applicants and secondly allows it to be advertised in neighbouring authorities and/or independently.

4.4 **Restricting Area of Choice** – this proposal aims to ensure that victims of crime or anti-social behaviour are protected by restricting the choice of areas available to a perpetrator.

4.5 **Restriction of Qualification to the Register** - four new non-qualifying categories are proposed. Firstly where an applicant or a member of their current household has been evicted for anti-social behaviour or unacceptable behaviour. Secondly where the applicant or a household member has provided false information to obtain social housing. Thirdly applicants who are in arrears of rent advance and deposit loan or other debt owed to the Council. Fourthly owner-occupiers who are adequately housed and/or have financial means to find their own housing solution.

4.6 **Removal of under-occupancy priority** – officers propose that additional under-occupancy priority is no longer automatically given to tenants who are able to fund their current accommodation but wish to downsize. People who have a preference to downsize can be assisted by Scheme landlords through existing mutual exchange arrangements. This will ensure that priority for downsizing will be based on affordability, medical and welfare need.

5. **Risks and implications arising**

5.1 The risks and implications associated with each of the proposals are shown in the final column of Appendix One.

- It is estimated that each applicant on the register requires a minimum 5.16 hours of officer time. Overall in terms of workload, the proposed additional local connection criteria may lead to an increase in the number of applicants on the register though part of this time will be offset by the proposed restriction of the qualification criteria that will prevent some applicants coming onto the register. Unknown at this time is how many appeals or reviews may arise from the changes, but as appeals/reviews are also influenced by external factors such as changes to benefits, it is anticipated the proposals will be cost neutral. Managers will continue to monitor workloads and service demand.
• The main risk to the Council is not keeping the scheme fit for purpose and as a consequence it be considered unnecessary or not relevant by the Scheme landlords; the changes proposed will help ensure the scheme continues to meet the needs of both the Council and our partner scheme landlords.
• The proposed changes will not detrimentally impact a disadvantaged group, so there is no requirement to undertake an equalities assessment.
• The proposed changes will not impact on the environment.
• The proposed qualification changes will act a deterrent to crime and disorder.

6. Recommendation

6.1 That Cabinet agree that the proposals shown in Appendix One to this report are incorporated into the South Norfolk Council’s Housing Allocations Scheme.
Appendix One – Proposed changes to the South Norfolk Council Housing Allocations Scheme

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<tr>
<th>Purpose of change</th>
<th>What we do now</th>
<th>Proposed change</th>
<th>Effect of change</th>
<th>Potential risks and implications</th>
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| Having a local connection which reflects outcomes beyond housing | Local connection to the housing register is detailed in the policy. In summary: an applicant must:  
- Have a housing need and/or  
- Have lived in SN for 6 of previous 12 months  
- Have lived in SN for 3 of previous 5 years  
- Have current contract of permanent employment where work is mostly located in SN  
Other LC criteria relate to homelessness, illness, military service, and Gypsies. | Promoting availability of social housing to residents by widening qualification for the housing register - the proposed changes relate to local connection through employment and residence and give local connection status to applicants who have:  
- Temporary contracts of employment in SN (subject to guidance and any change in legislation)  
- training/apprenticeship within SN (would need criteria and guidance regarding length of training etc.)  
- 3 out of 10 years residence in South Norfolk (in line with S106 agreements) | To embrace the Early Help, Economic Development and Health and Wellbeing visions of the Council by supporting training, employment and previous connection to South Norfolk.  
Increase numbers on register.  
NB: the policy already allows qualification to people who wish to live in South Norfolk to give support to, or receive support from relatives who live in the district. Bearing this in mind, there is no proposal to add a new “close family” criterion for local connection. | The number of applicants on the Register would increase.  
An increased demand for appointments to go on the housing register may affect the prioritising of homelessness prevention work.  
Scheme landlords increasingly request that new applicants are fast tracked, whether there is a housing need or not. |
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| To establish the principle of flexibility in the policy to meet changes in housing need as shown by numbers on the housing register. | The policy gives guidance on the process for direct, sensitive and local lettings. It also states that the Council reserves the right to expand, change or alter any element of the scheme to meet changes in housing need, capacity, resources and legislation with major changes to be consulted on with scheme landlords and agreed by Cabinet. Requests to widen property eligibility or advertise outside the district have been agreed at the SN Housing & Advice Manager’s discretion. | Confirm SNC manager discretion to assist registered providers when properties are hard to let.  
- By extending property eligibility  
- By advertising property to neighbouring authority and/or advertising independently  
- Criterion for hard to let when no bids in 2nd advertising cycle. | RPs reduce voids in their properties resulting from  
- applicants not bidding  
- refusing offers of accommodation  
- not meeting RPs affordability checks  
To support RPs who are seeing increasing void periods and loss of income which they believe to be a result of lower numbers of applicants on the housing register or inability of applicant to afford rent.  
Allows applicants in low priority an opportunity to move into affordable housing.  
By getting properties let and occupied as quickly as possible, it supports the local community and economy. | There is a financial risk to the Council in not supporting RPs if they decide to advertise a reduced percentage of stock through the Home Options Scheme as they would then seek reduced payments to the scheme.  
The housing register is the responsibility of the local authority and therefore it is not considered appropriate to allow RPs to act without Council approval. |
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<tr>
<td>To clarify that a very few applicants may be restricted in choice of area.</td>
<td>The statement on choice in the allocations policy implies that all customers have a choice of where they live.</td>
<td>Amend policy statement to explain that some applicants may be restricted in choice of areas. This would affect very few applicants. Clear guidance would be provided and would be subject to multi-agency consultation on individual circumstances. • Where an applicant was previously evicted for Anti-Social Behaviour, has been reassessed after a period of settled accommodation and it is considered that moving to certain area or away from specified areas will prevent further incidents. • To protect victims of crime or help prevent further crime (applicants subject to MAPPA procedure, e.g. sex offenders; prolific offenders).</td>
<td>This meets the aims of Early Help and Health and Wellbeing by ensuring that our vulnerable customers are protected and all successful applicants can find sustainable social housing.</td>
<td>As very few applicants would be affected the impact may be minimal. Applicants would be able to request a review of the decision to restrict areas of choice. Data protection guidance would need to be followed in sharing information with agencies and RPs.</td>
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| To clarify the restrictions to the housing register and provide uniformity in purpose (e.g. unacceptable behaviour and/or debts and arrears) | The policy allows wide scope to meet identified housing need due to vulnerability, affordability and need for support thereby, ensuring every applicant has their individual circumstances taken into account. The policy also lists criteria under which an applicant may or may not qualify for registration. | Non qualification to housing register to include  
- Applicants where they or a member of their current household has been evicted for ASB or unacceptable behaviour where possession order would be granted  
- Applicants who have provided false information to obtain social housing  
- In line with criteria for rent arrears, include arrears of rent advance and deposit loan and other debt owed to the Council  
- Owner occupiers who are adequately housed and/or have financial means (officer discretion) to find own housing solution and are assessed by as capable of doing so. | To enable the Council to consider fairly individual circumstances, to discourage anti-social behaviour, fraudulent claims or applicants who have no need of social housing. Due to the detailed verification and enquiries made, officers are able to identify any issues of mitigating circumstances before an applicant was confirmed as not qualifying. This ensures that best use is made of social housing in South Norfolk to encourage social cohesion, employment, and managing budget/debt issues. | Increase in requests for review of decisions. Increase in prevention or homelessness case work and time in temporary accommodation, where applicants will need assistance to find housing solutions other than through the housing register. |
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<tr>
<td>To ensure that landlords who have a greater need to downsize are not competing with applicants who can afford the rent of a larger property</td>
<td>Tenants of scheme landlords under-occupying have priority – Gold if two “spare” bedrooms or Silver if they have one “spare” bedroom. May meet higher criteria for other issues.</td>
<td>To remove priority for under-occupying for all tenants of scheme landlords unless property is adapted and tenant does not need those adaptations.</td>
<td>Enables applicants requiring early housing intervention due to welfare or medical needs to have priority for social housing above able bodied tenants who can afford their rent. Tenants in financial difficulty or unsuitably housed will be assessed under welfare or medical criteria.</td>
<td>Social housing tenants have opportunities to move through mutual exchange, which is managed by RPs. Current applicants who have banding reduced may request a review of the decision.</td>
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South Norfolk Council response to consultations on the draft Broads Plan 2017 and the Broads Local Plan Issues and Options Consultation

Report of the Director of Growth and Localism
Cabinet Member: John Fuller, External Affairs

CONTACT
Tim Horspole (01508) 533806
thorspole@s-norfolk.gov.uk
1. Introduction

1.1. Consultation on the draft Broads Plan 2017 and the Broads Local Plan Issues and Options took place from 15 February to 8 April 2016 (see www.broads-authority.gov.uk/broadsconsultations). The purpose of this report is to present the South Norfolk Council response to both consultations for Cabinet agreement.

1.2. The Broads Plan is the key strategic management plan for the Broads. It sets out the long-term vision for the Broads and guiding strategic actions for the benefit of the Broads environment, local communities and visitors. The draft Broads Plan 2017 will be an update to the current 2011 Plan and will focus on proposed strategic priorities for the period 2017-2022.

1.3. The Broads Local Plan will set out planning policies for the Broads Authority Executive Area and the Issues and Options consultation is the first stage in preparing a new and updated Local Plan for the Broads to replace their adopted documents, which are now somewhat dated.

1.4. An officer-level response has already been submitted to meet the 8 April deadline. The Broads Authority has indicated that it will accept a formal consultation response after the closing date of the consultation so that Cabinet can formally consider/agree the response.

1.5. Cabinet is therefore recommended to:

i) Agree the South Norfolk Council response to the draft Broads Plan 2017 (Appendix 1) and the Broads Local Plan Issues and Options (Appendix 2) consultations

ii) If not agreed, delegate authority to the Director of Growth and Localism, in consultation with the Cabinet Member for External Affairs, to agree any changes to the response(s) and submit formally to the Broads Authority.
2. Background

2.1. This report presents the South Norfolk Council response to two Broads Authority public consultations: the draft Broads Plan 2017 and the Broads Local Plan (2012-2036) Issues and Options.

2.2. The Broads Plan is the key strategic management plan for the Broads. It sets out the long-term vision for the Broads and guiding strategic actions for the benefit of the Broads environment, local communities and visitors. The Broads Plan 2017 will be an update to the current 2011 Plan and will focus on proposed strategic priorities for the period 2017-2022. The draft Broads Plan 2017 consultation is accompanied by a draft Habitats Regulation Assessment (Appropriate Assessment) and a draft Sustainability Appraisal.

2.3. The Broads Local Plan will set out planning policies for the Broads Authority Executive Area and will be used when determining planning applications. The Broads Authority currently has three adopted planning policy documents (the Core Strategy, Development Management Document and the Site Specifics Local Plan). Many of the policies in these documents have existed since 2007 and are not in line with current Government policy so the Broads Authority is reviewing all their current policies as well as looking into new issues to produce a new and up to date Local Plan. This Issues and Options consultation discusses key issues in the Broads and suggests some broad options to address these issues organised around environment, economic and societal themes; this will be followed by a Preferred Options consultation to look in more detail at the policy content. The Issues and Options consultation is accompanied by an interim Sustainability Appraisal which is also being consulted on.

2.4. South Norfolk Council has been working with the Broads Authority (and other Norfolk Councils) through the Norfolk Member Duty to Cooperate Group and in the ongoing preparation of the Norfolk Strategic Framework, to deal appropriately with strategic planning issues. The Broads Authority is also represented on the Greater Norwich Local Plan review working group (for co-operation purposes).

3. Current Position

3.1. Both consultation documents have been circulated internally and comments have been sought from a number of different teams across the Council (Housing Enabling, Environmental Quality, Community Assets, Community Protection, Economic Development and Development Management) to ensure that a comprehensive response is made.

3.2. A web link to the consultation documents was also sent to those Members who represent wards adjacent to the Broads Authority Executive Area so that any comments could be incorporated into the response.
3.3. An officer-level response has already been submitted to meet the 8 April deadline. The Broads Authority has indicated that it will accept a formal consultation response after the closing date of the consultation so that Cabinet can formally consider/agree the response.

4. Proposals

4.1. The South Norfolk Council response to the draft Broads Plan 2017 consultation is attached as Appendix 1.

4.2. South Norfolk Council is broadly supportive of the general principle and content of the draft Broads Plan 2017. The 2017 consultation document does not repeat all the background information in the Broads Plan 2011 which will remain largely unchanged and can be viewed online at www.broads-plan.co.uk and the Council’s response stresses the importance of carrying forward this level of detail into the 2017 Plan. The Council’s response also questions the structure of the overall document, commenting that it would be useful to further understand how the long term vision, aims and principles link to, and are reflected in, the priority actions/aspirations and how progress against the priority actions will be measured.

4.3. Overall the Plan seems to demonstrate a balanced approach between social, economic and environmental concerns and some detailed comments are given in relation to sustainable development and economic/tourism issues, particularly stressing South Norfolk Council’s willingness to work in partnership with the Broads Authority. The draft response makes reference to the opportunity for the Plan to align with the Market Towns Initiative, particularly in relation to Loddon and the southern Broads.

4.4. The South Norfolk Council response to the Broads Local Plan Issues and Options consultation is attached as Appendix 2

4.5. South Norfolk Council is broadly supportive of the issues and questions discussed in the Broads Local Plan Issues and Options consultation and the Broads Authority’s continued commitment to engage with South Norfolk Council through the Duty to Co-operate is welcomed. The Issues and Options consultation covers a wide variety of topic areas grouped under the headings of ‘Environment’, ‘Economy’, ‘Society’, ‘Developer Obligations’ and ‘Site Allocations’ and the main thrust of the Council’s response is focused on the importance of joint working and strategic planning.

4.6. Some specific comments include: the benefits of having a strategic green infrastructure policy in the Broads Local Plan, linking to green infrastructure network and pressures in the surrounding districts (section 10); supporting the Broads Authority’s view that allocating land for wind turbines in the Broads area would be inappropriate (section 15); seeking to reduce the impact of overhead lines/cables in the Broads area (section 16); the need for an appropriate retail policy, so that the impact of unplanned retail
development on nearby town centres (such as Loddon) can be assessed (and objected to, if damaging) (section 19); supporting the dualling of the Acle Straight (section 20); and supporting sustainable tourism development in the Broads, including engagement with adjacent councils and their own tourism strategies (section 22).

5. Risks and Implications arising

5.1. There will be no direct impact on the environment or crime and disorder in South Norfolk, nor any negative impact on disadvantaged groups, although the Broads Authority will need to prepare its own Equalities Impact Assessment to accompany the Local Plan.

5.2. There are no direct financial implications for South Norfolk Council.

6. Other Options

6.1. Cabinet could choose to modify the consultation responses and send an altered response to the Broads Authority, but officers are satisfied that the current response has covered all the main points of relevance to South Norfolk.

7. Recommendation

7.1. Cabinet is therefore recommended to:

i) Agree the South Norfolk Council responses to the draft Broads Plan 2017 (Appendix 1) and the Broads Local Plan Issues and Options (Appendix 2) consultations

ii) If not agreed, delegate authority to the Director of Growth and Localism, in consultation with the Cabinet Member for External Affairs, to agree any changes to the response(s) and submit formally to the Broads Authority.

Appendix 1 – South Norfolk Council response to the draft Broads Plan 2017

Appendix 2 – South Norfolk Council response to the Broads Local Plan Issues and Options consultation
DRAFT BROADS PLAN 2017 CONSULTATION

SOUTH NORFOLK COUNCIL RESPONSE

General comments

- South Norfolk Council supports the general principle and content of the draft Broads Plan 2017. Overall the Broads Plan is welcomed, particularly the focus on tourism related activity and engagement with communities and visitors. From an economic growth perspective the draft plan does not seem to include much focus on, or the potential for the development of, access points to the Broads within the South Norfolk District.

- It is understood that this draft document is an update to the current 2011 Plan and does not repeat all the background information in the previous plan. However this background information does provide useful context and detail for the plan so in our opinion it would be good to see this detail included in the final plan.

- For information the South Norfolk Council address has recently changed. Future consultation documents should refer to the new postal address which is:

  South Norfolk House  
  Cygnet Court  
  Long Stratton  
  Norwich  
  NR15 2XE

- The document as a whole may benefit from a glossary.

Introduction

- Would the map showing the Broads Executive Area on page 9 be better placed earlier on in the document either under ‘The Broads’ or ‘The Broads Authority’ sections? Could the introductory section explain a bit more about the context of the Broads Authority area e.g. that it includes parts of various district council areas and that the councils do not have planning powers but retain all other local authority powers and responsibilities.

- South Norfolk Council are pleased to see the Broads Plan recognised as a partnership plan as it is important for a number of different groups to work together on a long term vision for the Broads. Should the relevant local Norfolk and Suffolk District Councils be included as a group in Appendix A as they are referenced as partners in the priority partnership action tables? Norfolk and Suffolk County Council as well as the Greater Norwich Development Partnership are referenced in Appendix A but not other local authorities e.g.
North Norfolk, Waveney and Great Yarmouth. For information the Greater Norwich Development Partnership no longer exists as the Joint Core Strategy was adopted in March 2011 (amendments 2014). Appendix A should instead refer to the Greater Norwich Growth Board, who manages the delivery of growth in the Greater Norwich area through the City Deal, the Joint Core Strategy and each District’s Local Plan documents.

**Vision, aims and fundamental principles**

- The long-term vision, aims and fundamental principles are set out in the document but it would be useful to further understand how these then link to, and are reflected in, the priority actions/aspirations. It may be clearer if the priority actions were categorized under the long-term aims or if the long-term aims were replaced by the headline aspirations from the priority actions (amended slightly to cover the scope of the aims) as this would show how the document links together in a clearer way. It is our opinion that the theme based approach from the 2011 Broads Plan was easier to understand and at the moment it is difficult to follow a clear path from the vision to aims, fundamental principles, priority actions and aspirations in the draft 2017 document.

- It is unclear whether the background information about each of the long-term aims from the 2011 Plan will be carried forward into the new 2017 Plan. It is our view that this background information is useful to provide context and set the scene for the actions and priorities in the plan. It is felt that the current ‘long-term aims to 2030’ section of the draft 2017 Plan is lacking in supporting detail.

- The long-term aims seem to demonstrate a reasonable balance between the social, economic and environmental dimension, although they may benefit from the inclusion of an additional aim related to the promotion of sustainable development to support and build communities and the economy of the Broads – although it is recognised that this is reflected in the Priority Actions. Reference could also be made to the potential conflict of some of these long-term aims and how this may be overcome.

- Fundamental principles section – query what is an ecosystem approach?

**Priority Partnership Actions**

- It would be useful to understand more about how the Priority Partnership Actions will be achieved and how progress against them will be measured although it is recognised that the draft document states that targets will be developed and regular monitoring reports produced.
We have some specific comments relating to the following aspirations:

Aspiration 6:

- South Norfolk Council supports the aspiration under Guidance Reference 6.1 to maintain sustainable development within and outside the Broads Executive Area through policy and cross-boundary cooperation.

Aspiration 8:

- South Norfolk Council supports Guidance Reference 8.2 to co-ordinate a year round programme of events relating to themes, products, places and activities associated with the Broads, in particular the focus in 8.2.1 of running and supporting annual multi-events programmes and supporting local community festivals and activities.

- We would welcome the opportunity to align with the South Norfolk Council Market Towns Initiative, particularly working with the Loddon Business Group to support any events activity around the Southern Broads.

Aspiration 9:

- South Norfolk Council acknowledges the activities listed under Guidance Reference 9.1 and would welcome the opportunity to work in partnership with the Broads Authority. We would encourage, wherever possible, engagement with local businesses which may include local retailers, public houses, restaurants, cafes, accommodation providers and other tourism related businesses. South Norfolk Council would support working with the Broads Authority in relation to the Southern Broads, in particular the market town of Loddon.

- We note the ‘Summary of Current Issues’ under Aspiration 9 and in particular recognise the second bullet point statement. We would welcome the opportunity to work in partnership with the Broads Authority (and others) to enhance visitor facilities in some areas as well as addressing other issues raised including accommodation, catering, labour and skills. We would also particularly welcome the opportunity to strengthen coordination between tourism/destination bodies.
BROADS LOCAL PLAN - ISSUES AND OPTIONS CONSULTATION

SOUTH NORFOLK COUNCIL RESPONSE

GENERAL POINT

For information the South Norfolk Council address has recently changed. Future consultation documents should refer to the new postal address which is:

South Norfolk House
Cygnet Court
Long Stratton
Norwich
NR15 2XE

SECTION 5: DUTY TO Cooperate

Q. Do you have any thoughts on the Authority’s approach to Duty to Cooperate?

South Norfolk Council welcomes the Broads Authority’s continued commitment to engage through the Duty to Cooperate. The Norfolk Strategic Framework is mentioned in the list of examples but should reference also be made to the Greater Norwich Local Plan? Although the Broads Authority is not part of the Greater Norwich Growth Board there is Broads Authority representation on Greater Norwich Local Plan Review working group.

SECTION 6: CHALLENGES AND OPPORTUNITIES

Q: Do you have any thoughts on these challenges and opportunities?

This seems to be a comprehensive assessment of the strengths, weaknesses, opportunities and threats that are relevant to the Broads Local Plan. Could the current bullet point ‘Provide jobs, facilities, services and homes for local residents through the development plans of constituent Local Authorities’ be reworded to read something along the lines of ‘Provide jobs, facilities, services and homes for local residents through the Broads Local Plan or the development plans of constituent Local Authorities through the Duty to Cooperate’ to recognise that there may be opportunities deliver jobs, housing etc. in the Broads Executive Area?
SECTION 7: VISION, OBJECTIVES AND EXISTING POLICIES

Q: Do you have any thoughts on the special qualities of the Broads?

No comment. The list seems to accurately reflect the special qualities of the Broads.

Q. Do you have any thoughts on objectives or vision for the Broads Local Plan?

No comment, other than the Vision and Objectives in the Broads Local Plan should reflect the content of the new Broads Plan.

Q. If you have any thoughts on our existing policies, please let us know

No comment.

SECTION 8: WATER

Issue 1: How should we address run off from boat wash in the new Local Plan?

No comment

Issue 2: How to address water efficiency of residential developments in the Local Plan

At this stage South Norfolk Council is happy to support the Broads Authorities desire to explore the potential to reduce water usage in new development beyond Building Regulations with the caveat that water issues are likely to be considered through the Norfolk Strategic Framework.

Q. Do you have any thoughts on how the Local Plan should address water usage of non-residential development?

South Norfolk Council would support the consideration of water consumption of non-residential development through the Broads Local Plan as all types of development should be seeking to maximise water efficiency.

Issue 3: How to address sewerage treatment in the Broads

No comment
Q. Do you have any thoughts on flood risk in the Broads Executive? Do you have any thoughts on how the Local Plan should address flood risk? Is there scope to have a Broads-specific exceptions test?

No comment. The issue of updating Strategic Flood Risk Assessments will be considered through the Norfolk Strategic Framework.

Q. Do you have any thoughts on how the Local Plan should address SuDS and whether there should be any requirement for particular types of SuDS in the Broads?

The proposal to follow Government guidance to see if SuDS is required on a site is supported. The future management responsibility for swales and retention ponds should be carefully considered.

SECTION 9: OPEN SPACE (LAND AND WATER), PLAY AND ALLOTMENTS

Issue 4: How to address land-based open space, allotments and play requirements in the Broads?

South Norfolk Council would support Option 3 to include a policy in the new Local Plan that refers/defers to existing and future play and open space policies in constituent districts policy documents. South Norfolk is planning to review its current open space standards in the near future and some early dialogue has taken place with the Broads Authority about being involved in this process.

The issue of management of open space and play areas needs to be carefully considered and it should not be assumed that South Norfolk will automatically take on responsibility for management.

Q. Do you have any thoughts on water open space, staithes and slipways?

Access to the water should be considered as part of any planning proposal or potential allocation to ensure that public accessibility to the Broads is maintained.
SECTION 10: GREEN INFRASTRUCTURE

Issue 5: How do we address Green Infrastructure in the Broads Executive Area?

South Norfolk Council would support Option 2, a strategic Green Infrastructure Policy to fulfil the requirements of the NPPF. There needs to be links to Green Infrastructure provision in neighbouring authorities and the outcome of the forthcoming recreational pressure study will need to be taken into account. There may be a need for Green Infrastructure provision to take the pressure of particular areas in the Broad by providing alternative locations for people to visit.

Q. Are there any areas you would like to nominate as Local Green Space?
No

SECTION 11: CLIMATE CHANGE

Issue 6: How should we address climate change in the Local Plan?

To incorporate the requirements of national policy the Broads Local Plan should include policies to address both the mitigation of, and adaptation to climate change.

SECTION 12: PEAT

Issue 7: How should we address peat affected by land use change in the Broads?
No comment

SECTION 13: HERITAGE AND HISTORIC ASSETS

Issue 8: How do we give further weight to the Local List and undesignated heritage assets (that we know about and those we do not know about)?

South Norfolk Council would support Option 3 (A stronger policy on undesignated heritage assets) on the basis that this would strengthen existing policy and align better with the NPPF.
Q. Is having a guide and no specific policy an approach which you support (waterside chalets)?

No comment

Issue 9: How can the Local Plan help to enable restoration of the drainage mills of the Broads?

No comment

Q. Do you have any thoughts on this approach (archaeology)?

South Norfolk Council would support the improvement of existing policies to reflect the identification of the Broads as an area of exceptional waterlogged heritage.

Issue 10: How can the Local Plan address interpretation of the historic environment and culture in the Broads?

No comment.

SECTION 14: BIODIVERSITY

Issue 11: How can we give non-designated sites recognition?

South Norfolk would support Option 2 to recognise non-designated sites.

Issue 12: How can we protect habitats and species on brownfield sites?

No comment

Issue 13: How can we compensate for residual adverse biodiversity impacts arising from a development after mitigation measures have been taken?

No comment

SECTION 15: RENEWABLE ENERGY

Q. Do you have any thoughts on our position on this matter (Wind energy)?

South Norfolk Council strongly supports the Broads Authority in its consideration that allocating land within the Broads Authority Executive Area for wind turbines is not appropriate.
SECTION 16: LANDSCAPE CHARACTER

Q. Do you have any thoughts how the LCA could be interpreted to aid the planning application process?

South Norfolk Council would support the inclusion of a general landscape policy in the Broads Local Plan although it would be important for any such assessment to be consistent across Local Planning Authority boundaries.

Issue 14: How should we consider land-raising in the new Local Plan?

No comments

Issue 15: How should we consider disposing of excavated material in the new Local Plan?

No comments

Issue 16: How should we address landscaping design in the new Local Plan?

South Norfolk Council would support Option 2 for the inclusion of a landscaping policy in the Broads Local Plan.

Issue 17: How should we address overhead lines in the new Local Plan?

South Norfolk Council would support either Option 2 or 3 to reduce the impact of overhead lines/cables on the Broads area. South Norfolk support a similar initiative in the Waveney Valley.

Issue 18: How should we consider settlement fringe in the new Local Plan?

South Norfolk Council would support Option 2 for the inclusion of a criteria based policy in Broads Local Plan to deal with proposals on the settlement fringe.

SECTION 17: AMENITY AND TRANQUILITY

Q. Do you have any thoughts on existing policy DP28?

No comment.

Q: Are there any other areas in the Broads that you think are tranquil or offer quiet recreation which should be specifically protected?

No comments
**Issue 19: How should we address tranquillity?**

South Norfolk Council would support a combination of Options 1 and 2, rolling forward existing policy whilst assessing other areas that should be considered as tranquil areas. We would not support Option 3 as a more strategic policy is not likely to be appropriate for the whole of the Broads area and may have implications for South Norfolk district and put pressure on us to also identify areas of tranquillity.

**SECTION 18: LIGHT POLLUTION**

**Issue 20: How should we address light pollution?**

It may be appropriate to produce a guidance note to address light pollution in the Broads as there may need to be different approaches to light pollution depending upon location e.g. the edge of Norwich compared to the rural Broads. There may be safety issues relating to a lack of light in certain areas and a cost implication of imposing specific types of lighting on developers – link to S106 agreements.

**SECTION 19: RETAIL**

**Issue 34: How to address retail issues in the Broads Local Plan**

A retail policy is necessary to accord with national policy which directs retail development to defined centres. The absence of a policy would be of concern to South Norfolk Council because of the potential impact unplanned retail development could have on town centres in South Norfolk such as Loddon where we are working hard to retain retail activity, through the Market Town Initiative. South Norfolk Council would support a combination of Options 2, 3, 4, 5 to fulfil the requirements of the NPPF. The policy needs to protect town centres outside the Broads Local Plan Area such as Loddon and engagement with the Loddon and District Business Association on this matter may be beneficial and allow them to represent the feelings of businesses in the area.

**SECTION 20: TRANSPORT**

**Q. How can the waterways be used more for freight and transport purposes?**

No comment.
Issue 35: How can the Local Plan address the dualling of the Acle Straight?

South Norfolk Council supports the dualling of the Acle Straight because, whilst acknowledging that there will be environmental concerns, it has the potential to bring significant economic benefits to the area. A criteria based policy may be best way forward without being too prescriptive about the precise land take needed for the scheme.

Issue 36: How can the Local Plan safeguard future recreation routes?

South Norfolk Council considers that the safeguarding of future recreation routes is important for recreation and connectivity. There are potential links to schemes that impact on South Norfolk e.g. Angles Way, Waveney Valley with the potential to work together under Duty to Cooperate. There is concern about the long term management and maintenance of some routes.

Issue 37: How to address car parking in the Local Plan

No comment

SECTION 21: THE BROADS ECONOMY

Issue 38: What should the Authority’s approach be for redundant boatyards or boatyard buildings?

No comment.

Issue 39: How to address location of new employment land in the Local Plan

South Norfolk Council would support a combination of Option 2 and 3 aimed at directing employment uses to sustainable locations. It would be for the Broads Authority to assess whether any allocations for employment land are needed. Close working with constituent authorities would be needed to ensure they are no conflicts with potential allocations in neighbouring authorities.
SECTION 22: SUSTAINABLE TOURISM

Issue 40: How to address sustainable tourism in the Local Plan?

SNC would encourage sustainable tourism in the Broads Area as it would be good for the wider economy of South Norfolk. The provision of facilities for tourists e.g. public toilets needs to be carefully considered. South Norfolk Council would support a combination of Options 2, 3 and 4 e.g. a general policy seeking to retain tourist facilities combined with the potential for additional policies for specific tourist attractions if considered necessary. Any policy will need to refer to and link with tourism initiatives across neighbouring Local Planning Authorities as there are relationships between the Broads and attractions outside Broads Authority Executive Area (for example Loddon and access to the Southern Broads).

SECTION 23: NAVIGATION

Issue 41: How do we make the mooring provision as a result of related development more deliverable and reasonable?

No comment

Q. What are your thoughts on electric charging points? How can a network of charging points be delivered at reasonable cost and without impacting on landscape?

No comment

SECTION 24: HOUSING

Issue 22: How can the Local Plan address the Full Objectively Assessed Housing Need of the Broads?

Q. Do you have any comments on the issue of meeting the objectively assessed housing need of the Broads?

As participants in the Central Norfolk Strategic Housing Market Assessment (SHMA) we believe that it provides a sound analysis of OAN in the Broads. We note that the OAN for the 24 year period from 2012 to 2036 is 320 dwellings, an average of 13.33 per annum.

This is a realistic basis for a housing target which appears to be achievable so we support Option 2 – meet the full OAN by allocating sites to meet the residual requirement. However, we would accept the implications of a smaller total allocation
if it proved impossible to identify sufficient viable sites without significant environmental impact. In such a situation the unmet residual need would have to be met elsewhere, possibly including South Norfolk.

Q. Do you have any comments on this approach (affordable housing)?

Paragraph 20.3 of the document states “It is acceptable that the Broads Authority defers to the affordable housing policy of our constituent district”, and we welcome this clear statement. However the percentages in the table and later text might lead to some ambiguity, so we request clarification of “We intend to roll forward the policy approach of using the percentages of our districts”. Please be explicit that:

- The SHMA provides an evidence base of need for affordable housing

- The policy targets of the constituent districts reflect the necessity to seek higher percentages than the SHMA figures because some sites will deliver less on justified viability grounds

- The Broads Authority defers to all aspects of the affordable housing policy of its constituent districts, not only the percentage targets.

Issue 23: How can the Local Plan address Gypsy and Traveller needs?

South Norfolk Council would support Option 2 to have a criteria based policy in the Broads Local Plan to allow any applications for Gypsies and Travellers which might come forward to be assessed. Consideration should be given to the inclusion of criteria which would cover both land and water based gypsies. South Norfolk Council will continue to work with the Broads Authority on Gypsy and Traveller issues under the Duty to Cooperate.

Q. Are there any areas which you think are suitable for residential mooring?

No comment

Q. What are your thoughts on floating buildings? Do you have any evidence to address the issues raised?

South Norfolk Council would support the principle of floating buildings, particularly as they may facilitate the development of the Deal Ground, a key allocation for the Greater Norwich area.

Issue 24: How can the Local Plan address the issue of rural enterprise dwellings?

No comment

Issue 25: How should the Local Plan address second homes in the Broads?

No comment
**Housing for Older People**

We agree that helping older people to maintain their independence is important. This might involve the development of specially designed housing, often with on-site support and care. The type, size, tenure and location of such accommodate is important. Because of the wider strategic aspects and the relatively small population of the Broads, we agree that joint working is the best approach. Consequently we support the proposal to monitor evidence, and address the issue in future versions of the Local Plan.

**Issue 26: How can the Local Plan support those who wish to build their own homes?**

Since the consultation paper was issue, the Government has issued Regulations requiring the Broads Authority to hold a register of people wishing to acquire a serviced plot within the administrative area. The register is open to anyone who is a national of the European Economic Area. Given the attraction of the Broads, this might lead to significant numbers registering. A consequence would be pressure to permit custom build in locations which might be inappropriate.

We prefer a combination of Option 2 and Option 3 – plots on allocated sites and requiring housing sites over a specified size to require a specified proportion of plots to be delivered as serviced plots for custom build. Bearing in mind the potential demand, even a twin track approach might not suffice to deliver sufficient plots.

DCLG consultation on proposed changes to national planning policy (December 2015) suggested (para 24) that ‘proposals for development on small sites immediately adjacent to settlement boundaries should be carefully considered and supported if they are sustainable’. Such proposals might come forward adjacent to settlements within and outside the administrative boundary on the basis of providing serviced plots, creating pressure to approve, notwithstanding clear environmental sustainability issues in the Broads.

Because of the potential pressure on unallocated sites adjacent to settlements within and adjacent to the administrative boundary, we suggest that the Broads Authority considers seeking Exemption status under the Housing and Planning Act 2016 (as it will be), and reflects this in planning policy if it chooses to do so. If successful, provided the Bill remains unchanged, this would exempt the Broads Authority from having to give planning permission to meet demand. We accept that this might result in more applications to other local planning authorities, including South Norfolk.
Starter Homes

The Government regards Starter Homes as a key means of increasing the number of homes built while improving access to low cost owner occupation. Such homes are appropriate on allocated sites.

The DCLG consultation on proposed changes to national planning policy (December 2015) suggests (paras 45-47) that rural exceptions sites are to be permitted for Starter Homes, with the local planning authority to only exceptionally “have the flexibility to require a local connection test.” If the Government was to introduce this as proposed, the Broads Authority might wish to use the Local Plan as a means of justifying a local connection test on the grounds of environmental protection. Such an approach could extend to areas of the Broads which are adjacent to settlements outside its administrative boundary.

SECTION 25: DESIGN

Issue 27: How to address design in the Broads Local Plan

Policy could refer to addressing context of development in the Broads with surrounding areas. There is also a wider strategic need to promote the highest standard of design in the Broads to preserve and enhance their value as a tourist destination, which would obviously have wider economic benefits for South Norfolk Council.

Issue 28: How to address energy efficiency in the Local Plan

DP7 sounds like it is in line with JCS Policy 2. Not too familiar with the Fabric First concept but presumably this would create a difference in standards with ourselves if this has any implications for us.

Issue 29: How can the Local Plan address the issue of residential items and equipment associated with residential moorings?

No comment

Issue 30: How should we consider leisure plots in the new Local Plan?

No comment, other than support for the Broads as a centre for tourism
Q. Do you have any thoughts on space standards? Do you have any evidence that the Authority needs to address this through the Local Plan?

From our recent experience in developing our Local Plan Development Management Policies document, we are not aware of any evidence that would support the adoption of space standards.

Issue 31: How to address accessibility and wheelchair standards in the Local Plan

No comment.

SECTION 26: SPORT AND RECREATION VENUES/BUILDINGS

Issue 32: How do we address sport and recreational buildings in the Broads Executive Area?

South Norfolk Council would support a combination of Options 2 and 3. There should be a generic criteria based policy relating to indoor sports facilities to safeguard their continued use, guide future development and to provide a policy for which changes of use could be considered. In addition the Local Plan could also include site specific policies for key sports facilities in the Broads area where there are particular aspirations, constraints or specifications for the site which could not be covered by a more generic policy.

SECTION 27: HEALTH AND WELLBEING

Issue 33: How can we design places for healthy lives?

The Health and Wellbeing agenda is currently being heavily promoted and should be encouraged through planning policies. Is there any issue with the Broads having a list as set out in option 2 and making it more onerous than South Norfolk Council requirements? If the idea of a checklist was to be pursued we would be keen to work with the Broads Authority to ensure there are no adverse impacts from a South Norfolk Council perspective.

Q. Do you have any thoughts on our position on this matter (health facilities)?

Some Broads communities depend on facilities within the South Norfolk Council area (e.g. Loddon surgery etc.) and should this be reflected in the Broads Local Plan. We will need to work together with the Broads Authority under the Duty to Cooperate to ensure that the distribution of growth across the Greater Norwich area, including the Broads Authority does not have an adverse impact on the provision of health facilities.
SECTION 28: EDUCATION

Q. Do you have any thoughts on our position on this matter (education)?

South Norfolk Council supports the decision not to include a specific policy on education establishments at this stage on the basis that Norfolk and Suffolk County Councils have indicated that there is not likely to be a requirement for any schools to expand into the Broads Authority Executive Area in the plan period. However dialogue with the County Councils should continue and education is likely to be considered through the Norfolk Strategic Framework.

SECTION 29: WASTE AND MINERALS

Issue 21: How to address waste in the Broads Local Plan

No comment

SECTION 30: SAFETY BY THE WATER

Issue 42: How should we consider safety by the water in the new Local Plan?

No comment

SECTION 31: DEVELOPER CONTRIBUTIONS/PLANNING OBLIGATIONS

Q. What are your thoughts on rolling forward DP 30?

No objections to rolling forward DP30 as it refers to pooling with resources from other authorities to fund wider community infrastructure projects and historically this seems to have worked well in securing funding for infrastructure projects.

Q. What are your priorities for developer contributions and why?

Much of the infrastructure required to support communities and their growth in the Broads will be located in the adjoining planning authority areas, such as schools or transport infrastructure. Our priorities would be for infrastructure that supports growth both in the Broads and South Norfolk – for example addressing any school capacity issues which include catchment in the Broads or road junction improvements along the A146.
SECTION 32: SITE SPECIFIC POLICIES

Issue 43: How do we protect the car parking area near Staithe and Willow?
No comment

Issue 44: How to address Thorpe Island in the Local Plan?
No comment

Issue 45: Do we protect the live/work units at Ferry Corner through the Local Plan and if so, how?
No comment

Q. What are your thoughts on these sites? Are there any changes you would like to see and why? Are there any other areas similar to those listed that you would like to propose for inclusion in the Local Plan?
No comment
Cabinet
3 May 2016

Agenda Item 7

Starter Homes Regulations: Technical Consultation response

Report of the Planning Policy Manager
Cabinet Member: John Fuller, External Affairs

CONTACT
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1. Introduction

1.1 The Government has committed, through the Housing and Planning Bill (which is currently before Parliament), to introduce a new statutory framework for Starter Homes, to help deliver at least 200,000 Starter Homes by the end of the parliament (2020). Starter Homes must be available exclusively to first-time buyers under the age of 40 and sold at a discount of at least 20% of the full market price.

1.2 The detailed implementation of key aspects of the Starter Homes regime will be set out in regulations made by the Secretary of State. The Government is currently consulting on the proposed approach for these regulations (see https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/510478/Starter_homes_regulations_technical_consultation.pdf) and consultation responses will help inform the preparation of the regulations.

1.3 The main questions of the consultation focus on: eligibility to purchase Starter Homes; restrictions on the sale and lettings of a Starter Home; the requirements to provide Starter Homes on all sites above a certain size, at a certain percentage of the housing delivered; proposed exemptions to Starter Home requirements for specialist accommodation types; and the monitoring requirements.

1.4 Officers have identified a number of practical difficulties with the measures proposed, which include: the risk that other tenures of affordable housing (such as affordable rented) are likely to become much scarcer to deliver through Section 106 agreements; that calculating and enforcing the proposed “sliding scale” of discount will be very difficult to monitor and enforce; and that elements of the necessary monitoring regime will be onerous and difficult to undertake, requiring involvement from the Land Registry and conveyancers.
1.5 A number of recommendations are made in the draft consultation response (see Appendix 1), including: asking that Starter Homes should constitute 50% of all affordable homes provided on qualifying sites, rather than constituting at least 20% of all houses on such sites; requiring that occupiers of Starter Homes should live at the property for at least eight years before the 20% discount elapses, rather than five as proposed; and requiring the monitoring of transactions involving Starter Homes, particularly “second-hand” transactions.

1.6 Cabinet is recommended to:

i) Agree the proposed consultation response (Appendix 1), delegating power to the Director of Growth and Localism to make any necessary minor amendments (including fully populating the answers relating to the Equalities and Impact Assessment questions once these assessments have been published) and submit the consultation response.

2. Background

2.1 There has been, and continues to be, a significant volume of changes to the national town planning system, to better enable the Government’s ambition of significantly increasing the level of house-building in England. Foremost amongst these changes are those proposed through the Housing and Planning Bill, which is approaching the end of its parliamentary process, and likely to be enacted in the next few months.

2.2 A current Government consultation (running to 15 April) is on Technical consultation on implementation of planning changes, which covers principally – but not exclusively – measures contained in the Bill. A further
consultation, covering proposed changes to national planning policy (the National Planning Policy Framework), closed in February 2016.

2.3 The growing disparity between incomes and house prices over the last couple of decades has made it increasingly difficult for young people to be able to purchase their own home, with statistics showing that the number of under-40s who are homeowners has declined from 61% in 1994/5 to just 38% by 2014/15. The Government has been clear for some time that it sees the drop in home ownership in under-40s as a significant problem, given the stated desire of most young people to be a homeowner.

2.4 As part of trying to address this issue, ministers have devised the concept of Starter Homes. A Starter Home, as currently defined, can only be purchased by first-time buyers under the age of 40, and must be at least 20% below the open market value (subject to a ceiling price of £250,000 outside London). The 20% discount must be retained for five years, beyond which a Starter Home would become a normal home without any restriction on the sale price or age of purchaser. The Government’s intention is that at least 200,000 Starter Homes will be delivered over the next five years.

2.5 The current definition of “affordable housing” covers principally housing for affordable rent, shared equity properties and shared ownership properties. The consultation on changes to the NPPF proposes broadening this definition to include a wider variety of tenures, including affordable “ownership” products that may not be subject to in-perpetuity restrictions or have recycled subsidy. Starter Homes will be one such product that will be classed as “affordable housing”. This will mean that the Council’s current policy on affordable housing – Joint Core Strategy policy 4 – would be applicable to Starter Homes.
3. Current Position

3.1 As stated in paragraph 1.2 above, the over-arching legislation governing Starter Homes will be as set out in the Housing and Planning Bill, but the detailed implementation of Starter Homes will come through regulations made by the Secretary of State. The current consultation invites views on some of the details of the Starter Homes regime, prior to the regulations being worked up (after the Bill has been enacted). Consultation comments are invited until 18 May 2016.

3.2 As a result of the Starter Homes consultation proposals on the percentage requirements for Starter Homes (see paragraphs 4.5-4.9 below), an additional window has opened to allow further comments on the (amended) definition of affordable housing set out in the (proposed to be updated) NPPF – see paragraph 2.5 above – until 22 April 2016. It is not recommended that the Council submits any additional comments, however – the agreed Greater Norwich Growth Board comments were submitted by the deadline.

4. Proposals

4.1 The consultation is split into three main chapters: What is a Starter Home? (2), The Starter Homes Requirement (3), and Monitoring and Reporting (4). The Equalities Statement and Impact Assessment of the proposals have, disappointingly, not yet been published, and so it is difficult to respond fully to questions on these areas at present.
What is a Starter Home?

4.2 The proposal is that Starter Homes could not be sold at the full market value for at least five years, although views are sought on whether that period could be raised to as high as eight years. During that period, the letting of the property would be barred, and views are invited on whether there should be a tapered approach during a period of restriction, so that (for example), a property sold after two years of ownership would only need to be sold at a 12% reduction to full market value. The alternative is the “cliff-edge” approach, where the full 20% discount would apply right up to the five-year point.

4.3 Precluding the letting of Starter Homes would clearly be necessary to avoid abuse. However, additional steps should be taken to prevent “buy-to-leave” abuse, where a buyer would leave the property empty and after the end of the restricted period be able to cash-in on the end of the 20% discount, alongside any wider market uplift in value. It is considered that this could be an appealing option to some cash-rich first-time buyers, who arguably do not need a Starter Home at all (there does not appear to be anything in the consultation indicating how wealthier buyers could be excluded from purchasing Starter Homes, and indeed it is difficult to see how such a mechanism could work in practice). Buyers should therefore be required to actually occupy the Starter House continually during the five-year period.

4.4 Both the “cliff-edge” and “tapered” approach to the 20% discount have their difficulties. There are a host of questions as to how properties could be properly valued against market benchmarks, whether asking price or selling price should be the benchmark, who would give independent valuations and whether specialist Starter Homes mortgages would be required. The size of the “second hand” Starter Homes market is also an issue – why would an eligible purchaser buy a Starter Home with, say, only two years' tapered discount remaining if
they could buy a new Starter Home with a full 20% discount? However, in the “cliff-edge” scenario, an owner is likely to be “trapped” for the full five years unless desperate to move, as they could only sell during the period for the full 20% reduction – and they would presumably not be eligible to purchase a second Starter Home elsewhere. On balance, the “cliff-edge” approach is supported because of its relative simplicity, but this issue highlights some of the real practical difficulties with the Starter Homes initiative.

The Starter Homes Requirement

4.5 The proposal is that Starter Homes will be required on all sites of 10 dwellings or above, and must constitute at least 20% of all houses on such sites. Questions are asked about whether both thresholds are appropriate, how viability exemptions should be applied, and whether specialist types of accommodation should be exempt.

4.6 The Council’s current affordable housing requirement applies for all sites of 5 and above, and research undertaken in 2015 could find almost no examples of greenfield sites of 5-9 dwellings where viability concerns reduced or eliminated the affordable housing contribution. In rural districts such as South Norfolk, these smaller sites could be a very useful source of Starter Homes, so it is recommended that the threshold be reduced to five dwellings.

4.7 Requiring 20% of all dwellings to be Starter Homes on qualifying sites would ensure a significant volume of such homes would be delivered across the country. However, this would be at the cost of other tenures of affordable housing (such as affordable rented), which the evidence of the 2016 Central Norfolk Strategic Housing Market Assessment shows to be significant. In cases where viability difficulties lead to a reduction in affordable housing, there could be a number of sites where, if the figure is 20% or fewer, the entire quantum of affordable housing
would have to be Starter Homes. Instead of a fixed figure of 20% of all dwellings being Starter Homes, it is recommended in the Council’s answer that at least 50% of all affordable dwellings should be Starter Homes, which would still deliver a significant quantity of Starter Homes, but would allow a higher quantum of other tenures of affordable housing to be delivered (more commensurate with identified need).

4.8 The proposed viability exemption would not allow any other kinds of affordable housing to be provided unless the full 20% Starter Home complement was delivered. As outlined above in paragraph 4.7, a change to requiring 50% of all affordable housing to be Starter Homes would mean that this would be less of an issue. More broadly, some more formal, structured guidance on viability calculations would be welcomed, as this remains a vexed issue in planning.

4.9 It is clearly sensible to exempt some types of specialist accommodation from the Starter Homes requirement, including care homes and university-built student accommodation. However, other types should arguably not be exempt, including privately-built student accommodation (which is currently providing a healthy return to investors), custom-build schemes of 10 or more (which are already exempt from CIL, and so enjoy a financial advantage over normal market housing) and purpose-built private rented sector housing. These types of dwellings should provide a commuted sum for off-site provision of Starter Homes instead.

Monitoring and reporting

4.10 It is proposed in the consultation document that basic monitoring questions (such as the number of planning applications received containing Starter Homes) should be reported as part of the Annual Monitoring Report already produced by Local Planning Authorities, and there are no objections to this in principle. However, it is very important that there is also monitoring of Starter Home transactions during the restricted period (five years), to enable the turnover and prices of such properties to be understood. That this would be onerous and
complicated to undertake is a fact (probably requiring conveyancing solicitors, estate agents and the Land Registry to submit and collate information), but without such information being collected and reported, it would be impossible to gauge the scale of any abuse of the Starter Homes process, the effectiveness of the process and fully identify opportunities for improvements to the scheme. Officers have concerns that, as currently proposed, there appear to be a number of opportunities for abuse of the Starter Homes regime that, without onerous (and expensive) monitoring and enforcement measures, risk bringing the system into disrepute and failing fully to maximise the ability of genuine first-time buyers to purchase Starter Homes.

4.11 A further question is asked about transitional provisions. A point worth noting is that most of the Council's larger Local Plan allocations already have outline or full planning permission, with completed S106 agreements specifying affordable housing tenures and numbers. It will not be possible to re-open negotiations on these (without delaying the delivery of homes on the site, which neither the Council nor Government will want), and so it will only be some schemes yet to come forward (such as the 1,800 homes in Long Stratton) that would be able to deliver some Starter Homes. In order not to slow affordable housing negotiations on other forthcoming schemes (and the delivery of homes on these sites), which may be well advanced but not yet with a completed s106 agreement, a 12-month transitional period for Starter Homes would be sensible.

5. Risks and implications arising

5.1 The proposal would have very limited environmental effects, as it would not be expected to change the environmental situation significantly (i.e. it is the tenure of homes that would differ, not the homes themselves or where they were located).
5.2 There would not be any direct impact on crime and disorder (although some abuses of the Starter Homes regime – false mortgage declarations, for example – could be criminal offences).

5.3 The proposals are likely to have an impact on some disadvantaged groups, through a likely decline in the availability of affordable rented properties. Although the EqIA has not been published yet for this consultation, it is considered that disabled people, particularly, could find access to suitable adapted rented housing more difficult if fewer affordable rented homes are being delivered in the future. However, there would also be advantages to other groups, through better enabling access to market housing.

6. Other options

6.1 Cabinet could choose to adjust the proposed consultation response, but it is considered that the response, which focuses on some of the practical issues associated with the implementation of the Starter Homes regime, highlights the main areas that the Government should consider when drafting the regulations.

7. Recommendation

7.1 Cabinet is recommended to:

i) Agree the proposed consultation response (Appendix 1), delegating power to the Director of Growth and Localism to make any necessary minor amendments (including fully populating the answers relating to the Equalities and Impact Assessment questions once these assessments have been published) and submit the consultation response.
Appendix 1 - Starter Homes Regulations – SNC Response to DCLG technical consultation

Q1: Do you support restrictions on the sale and sub-letting of starter homes for 5 years following initial sale?

It is important to ensure that the purchasers of a starter home are not doing so purely for financial gain, but to facilitate a purchase which would otherwise be unattainable. In this context, South Norfolk Council supports a restriction on selling or sub-letting the property for a fixed period. However, it would be necessary to ensure that purchasers actually occupy the property, to avoid the potential for “buy-to-leavers” cashing in after the restricted period expires. A five year restricted period is probably too short. Eight years would strike a better balance, as this would help ensure that greater numbers of Starter Homes would exist in the market, thereby providing greater choice for prospective first-time buyers.

Q1a: Do you support allowing individuals to sell at a higher proportion of market value as the number of years they have lived in the home increases? If not, what other approaches can we adopt to meet our objectives?

This option is likely to be extremely difficult to calculate, monitor and control. A newly built home has its asking price set by the developer (although the actual selling price may be less, of course). At this point it is straightforward to market identical Starter Home properties at a 20% discount to full-priced homes. However, with a sliding scale approach, there would be an ongoing need to compare the market values of similar properties, when adjacent properties may not be for sale. Even in a very local context, sales prices on newly built houses can vary significantly. To illustrate this, within South Norfolk, one housebuilder is selling identical dwellings in two locations just six miles apart by road, at a difference of £80,000. Therefore, how would the ‘market value’ be determined after the initial sale? If the property deeds contain a restrictive covenant, who will be responsible for calculating and for verifying that the discount is correct? For example, would the vendor have to obtain three estate agent valuations to calculate an average market price? Would ‘asking price’ be an acceptable proxy for market value, or would recently sold properties be the benchmark? How recently-sold will be acceptable as a benchmark? Will a conveyancing solicitor/surveyor and/or mortgage company be required to verify the market price is correct?

The wider objective of delivering home ownership opportunities will be met if the starter home scheme continues. If this is the case, it is likely that any qualifying purchaser (i.e. a first-time buyer under 40) would prefer to maximise the available discount, and purchase a newly-built home at 20% discount directly from a housebuilder. Therefore, purchasers of ‘second-hand’ starter homes may be difficult to find, negating any benefit of a sliding-scale ‘get out’ clause.

The Council prefers two alternative options for those who have no choice but to move house. Firstly, to simply to pass on the full 20% discount to the next purchaser, who would also be constrained by the same restricted period as someone purchasing a newly built starter home (i.e. “the clock starts again”). Secondly, to pass on the full 20% discount to the next purchaser, but the residual time restriction carries over to the new purchaser (i.e. “the clock continues”). It is accepted that, for properties near the end of the restricted period, the actual value of the house will be higher than the 20% discount would dictate (given the proximity of the “windfall”), but this distortion is probably unavoidable and always occurs with any tax/benefit thresholds.
Q2: Do you agree that flexibility over the age of 40 restriction should be given when joint purchasers are looking to buy a starter home, one purchaser being under 40 years old but the other older than 40?

This is supported, as there needs to be an element of flexibility for such scenarios. There should also be clarity over whether there is any flexibility about the age of a purchaser if the purchase process takes an unusually long time to complete (for reasons outside the control of the purchaser), unexpectedly taking the date beyond the purchaser’s 40th birthday. Additionally, there should be clarity over whether non-EU nationals can qualify for the Starter Home product (as mentioned on page 8 of the consultation document).

A further concern is whether the Starter Homes regime would enable “relationships of convenience” (set up on a temporary basis specifically to facilitate the purchase of a Starter Home, with the partners splitting the profits on the sale of the house later) to be detected.

Q3: Do you agree that there should be an exemption from the age 40 restriction for injured military services personnel and those whose partner has died in service?

Yes. This exemption appears to comply with the armed forces covenant, as described. However, which body/ies would be responsible for verifying that those applying for such an exemption are eligible? Is a central list held by the Ministry of Defence, for example?

Q4: Would a site size of 10 units or more (or 0.5ha) be an appropriate minimum threshold for the starter home requirement? If not, what threshold would be appropriate and why?

The Council’s affordable housing policy requires 20% of dwellings on sites of 5-9 dwellings to be affordable, and an analysis undertaken in 2015 found very few cases where viability considerations meant that this was not achievable. There is therefore no reason why Starter Homes could not be sought on sites of 5-9 dwellings in South Norfolk, adding to the supply of such properties. This is particularly relevant in South Norfolk, as most of the large sites allocated in the adopted Local Plan have already come forward (with outline permissions, and some reserved matters approvals), and so Starter Homes therefore cannot be sought on such sites (unless proposed voluntarily by the developer). Delivery of smaller sites is therefore likely to be the most significant source of Starter Homes in the district over the next few years.

Q5: Should the minimum percentage requirement be applied uniformly on all sites over 10 units to provide a single requirement across the country?

Q6: If so, do you agree that 20% represents a reasonable requirement for most areas?

A 20% requirement would provide certainty for housing developers, but this would be a blunt tool. It is suggested that a more appropriate requirement, which would enable local viability considerations to be taken into account, and allow for other tenures of affordable housing to be provided (particularly affordable rented, for which there will remain a considerable and identified need (through Strategic Housing Market Assessments) across the country), would be for Starter Homes to constitute a fixed (minimum) percentage of affordable housing delivered. Requiring Starter Homes to constitute 50% of all affordable housing provided would be a better mechanism, and this would help deal with the viability question (see Q7 below). Alternatively, if this was not accepted, a 15%
national minimum requirement which could be exceeded if local viability allows would provide some flexibility and maximise the delivery of Starter Homes.

It is appreciated that, in principle, s106 agreements could still be used to achieve other forms of affordable housing. However, there are concerns that it could be difficult to achieve alternative forms of affordable housing if Starter Homes take up 20%. Furthermore, Registered Providers often prefer to concentrate social rented properties in few locations to make operations more efficient. It could be that, at most, only one or two dwellings are provided for social rent over and above the starter home provision, which could cause operational issues. For this reason, if the Council’s proposed “50%” solution was not accepted, requiring 15% of all dwellings to be Starter Homes would be preferable to 20%.

Q7: Do you support an exemption from the Starter Homes requirement for those developments which would be unviable if they had to deliver any affordable housing including Starter Homes? If so, how prescriptive should the viability test be in the regulations?

A prescriptive approach to viability should be applied, so there is a consistent benchmark for all to work with, albeit based on local values and costs. Any proposal for less than the required percentage of Starter Homes should require approval by the Local Planning Authority.

The danger is that if viability considerations result in 20% or less affordable housing being provided on a particular site, then Starter Homes would be the only tenure of affordable housing that could be sought – irrespective of the objectively assessed need for other tenures of affordable housing. The Council’s suggested approach to Q5 above – that of requiring that 50% of all affordable houses to be Starter Homes – would overcome this issue (to some extent, at least).

Q8: Do you support the proposed exemptions from the starter home requirement? If not, why not?

The exemptions proposed (specialist accommodation such as housing with care, affordable housing-led schemes and student accommodation) appear to be pragmatic, although it should be noted that many privately-funded specialist student accommodation blocks (as distinct from university-funded ones) are not cheap to rent, seem to be profitable for investors, and so could therefore arguably provide an off-site commuted sum for affordable housing (subject to viability considerations).

For all exemptions, there must be a specified minimum period during which a development is used for its intended purpose, with a payment required if the use changes to a non-exempt use.

Q9: Should group custom build developments and developments with a very high level of affordable housing such as estate regeneration schemes be exempt? If not, why not?

Exempting affordable housing-led schemes will help other forms of affordable housing to be delivered in targeted locations where need is strongest. This is important, as it is highly likely that delivery of other forms of affordable housing will decline in favour of Starter Homes. Custom-built homes are often built at a lower cost (or higher specification) than comparable market housing, but as they are exempt from CIL contributions, there is already an added financial benefit compared to market housing. Custom-build schemes over the affordable housing threshold (5 in South Norfolk) should therefore be required to contribute affordable housing (Starter Homes and/or other tenures...
of affordable housing), even if it is off-site. Additionally, **custom-build homes should not be considered as Starter Homes.**

Q10: Are any further exemptions from the starter home requirement warranted, and why?

No.

Q11: Do you support the use of commuted sums to deliver starter homes where the local planning authority agrees?

Yes – but **only where the LPA agrees** that it is appropriate (normally because of viability considerations). The advantage of on-site provision is the guarantee of delivery without relying on other parties and there are also obvious advantages to developers to offload the administrative elements of on-site affordable housing (including Starter Homes) to a local authority to deliver elsewhere. On-site provision must very much remain the first choice, and only exceptionally would off-site commuted sums be appropriate.

Q12: Do you support the proposal that private rented sector housing (for institutional investment) and specialist older people’s housing should meet the requirement through off-site contributions?

For the reasons given in the consultation document, this is supported.

Q13: Do you agree that Starter Homes monitoring reports should be an annex to the Authority Monitoring Report?

They can probably be included within existing AMRs without needing to be prepared as a separate annex, but it is not a significant issue.

Q14: Do you agree that these reports establish the key actions taken to support starter home delivery and the outcomes in terms of permissions granted and completions?

Yes, although “actions taken to identify opportunity for Starter Homes, including engagement with development sector” would need to be elaborated further to make clear what is sought, because some of these conversations would take place in the context of standard applications, so there is the potential for duplication here.

In addition, **there will be a need to monitor the number of “second-hand” Starter Homes being bought and sold during the “exemption” period, to better assess the turnover (and prices) of such dwellings. This monitoring is not something that LPAs could undertake, and so this would need to be undertaken by conveyancing solicitors and/or the Land Registry. Therefore it is important that standard terms are used for transactions and in deeds to reduce complexity, cost and uncertainty.**

Q15: Do you agree that April 2017 is a reasonable date for the first report to be published? If not, do you have alternative suggestions and why?

No. Local Plan monitoring normally takes place on a financial year basis, with the publication taking place some months after the financial year end (to allow for collection and compilation of complete data, data analysis, and the writing up of the report). So whilst April 2016 is a logical start date for
monitoring Starter Homes, a date of **October 2017 would be the earliest sensible date for reporting** the monitoring of Starter Homes.

**Q16: Do you support a transitional provision for the starter home regulations?**

Yes. Negotiations on the affordable housing provision within some current planning applications will be well-advanced, and in other cases, outline permissions will have been issued already, with affordable housing set out in an agreed S106. To have to potentially unpick these negotiations would be to run a significant risk of delaying the delivery of much-needed housing. A 12-month transitional period for Starter Homes regulations is therefore appropriate. This would not prevent “new” schemes considering the Starter Home requirement.

**Please note: the following questions have draft answers, as DCLG has not yet published its Equalities and Impact Assessments for this consultation.**

**Q17: Is there further evidence we should be considering in our assessment of equalities implications?**

**Q18: (i) How do you anticipate the open market value of Starter Homes would compare to other affordable housing products such as social rent, affordable rent and affordable home ownership?**

We are concerned that the market for shared ownership will be undermined. Will Registered Providers take the risk of building or acquiring a property, which they must then market in conditions which favour Starter Homes?

The advantage of shard ownership is its lower deposit. Starter Homes part-funded by unsecured loans or ‘the bank of Mum and Dad’ might also threaten the market in places where house prices are relatively low.

**(ii): How do you envisage the market value of Starter Homes when compared to the market value of full priced new build homes bought by first time buyers?**

**(iii): What is your view on the proportion of sites that would be able to deliver 20% Starter Homes without viability being affected? How would this affect other developer contributions?**

In South Norfolk most sites would deliver the required percentage of Starter Homes. Affordable housing for rent would be the tenure most affected. We estimate that we would lose about half the rented homes we could otherwise expect.

**(iv): Do you agree that in most instances s106 negotiations occur on residential sites of 10 or more units, regardless of whether a s106 agreement is ultimately put in place? And do you agree that before the April 2015 pooling restrictions on Section 106, infrastructure contributions (as a proportion of development activity) tended to be higher in authorities that secured relatively low s106 affordable housing contributions?**
(v): To what extent do you think the starter home requirement and associated exemptions will affect site viability, if at all? We expect sites which would otherwise deliver the policy target of 33% affordable housing to be more valuable, with more profit for the landowner and/or the developer.

(vi): We would welcome (a) any estimates of the costs incurred by developers in negotiating s106 agreements on sites of different sizes, for example time costs, consultants or legal fees, and (b) views on the extent these costs might change as a result of the 20% starter homes requirement.
Request from Gissing Parish Council for South Norfolk Council to exercise Compulsory Purchase powers to purchase land

Report of the Director of Growth and Localism
Cabinet Member: Cllr. Lee Hornby

CONTACT
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1. Introduction

1.1 South Norfolk Council has received a request from Gissing Parish Council to assist it securing a small plot of land in the village to be used as a public open space. This report sets out the how South Norfolk Council could do this through exercising the powers of compulsory purchase. The report recommends that, in this instance, South Norfolk Council should not exercise CPO powers to secure the land on behalf of Gissing Parish Council.

2. Background

2.1 The plot of land in question (0.128 ha) lies to the north of St Mary’s Church and is within the Gissing Conservation Area. It affords open views of adjacent buildings that have both historic and public functions. These include church (grade 1 listed) and the public house (grade 2 listed) as well as the Victorian School and Schoolhouse (which is now the Gissing Children’s Centre). There is also access from the plot to the Millennium Copse (a community woodland project) and to the parish footpath network.

2.2 The site was granted planning permission on 1974, and the development commenced (footings were dug). A legal opinion in 2012 (in the consideration of a planning application for two houses) was that the 1974 permission was extant.

2.3 A compulsory purchase order (CPO) is a legal function that allows the district council to obtain land or property if a proposed development is considered one for public betterment. Compensation following a compulsory acquisition of land is based on the principle of equivalence. This means the landowner should be no worse off in financial terms after the acquisition than they were before. Likewise they should not be any better off.

2.4 The value of the land is based upon what the land might be expected to realise if sold in the open market by a willing seller. However, it is assumed that the landowner would only be willing to sell at the best price which could reasonably achieve in the open market. This open market value may be based on the existing use of the property. However, it may reflect development
value. When considering the potential development value of the property the system assumes that permission would be granted for particular uses of the land. Broadly the planning permissions which may be assumed are as follows:
- Any existing permission on the property.
- Any permitted development which has not yet been implemented.
- Any development which would be in accordance with an allocation in a development plan.
- The development which the acquiring authority proposes for the land.

3. Current Position/Findings

3.1 The Parish Council along with local community groups, businesses and residents believe community ownership of the land would be the best long-term future for site. The Heart of Gissing project has led a co-operative approach to achieving a vibrant and sustainable centre for the village, and to enhance services and facilities. The plot of land in question could form a green that would enhance the setting of the cluster of buildings referred to in paragraph 2.3.

3.2 Gissing Parish Council has sought to negotiate purchasing the plot; the site is being actively marketed as a building plot, and the plot is on the market for £160,000. Whilst this clearly sets out the aspiration of the landowner, and to some extent reflects the potential of the site as a development plot, the Parish Council believes this valuation fails to take into account the Japanese Knotweed that is present on the site. Japanese Knotweed is an invasive, non-native plant; legally there is not an obligation to remove these plants or to control them. However, if you allow Japanese knotweed to grow onto other people’s property you could be prosecuted for causing a private nuisance. Given the size of the plot and the potential for spread to neighbouring properties, it is likely the cost of eradication could be in the region of £10,000 to £20,000.

3.3 A funding strategy has been devised, including: arranging a Public Works Loans facility, the sale of the former Village Hall, and a “crowd-funded” sponsorship scheme to involve the public in the project. The Parish Council also believe there should be financial support from South Norfolk Council.
4. Proposals

4.1 The Parish Council acquiring the land would help achieve several benefits, would fit with several our objectives (for example: enabling local communities to provide facilities that help strengthen them, provide health benefits through the provision of public open space for informal recreation and through enhancing the conservation area, increase the visitor attraction to the area).

4.2 South Norfolk Council has undertaken CPOs in the past and has recently agreed to consider using such powers in the case of Long Stratton (to release land for the growth and bypass set out in the Long Stratton Area Action Plan) and following a request from Pulham St Mary Parish Council to purchase the King's Head public house. In the case of Long Stratton, the decision to initiate a CPO prompted the landowner to promote the land, and the need for the CPO appears to have been negated. In the case of the King's Head, the landowner's aspirations for the value of the property far outweighed the valuation commissioned.

4.3 In this instance the site is being marketed, at a price that is considered to be a reasonable market value. This assessment has been made by the Council’s Property Consultant. The CPO would value the land at more than the current market price to ensure the landowner was not disadvantaged through the action. So it is reasonable to assume the landowner is willing to sell, and that Gissing Parish Council could achieve its ambitions without South Norfolk Council taking legal action to force a sale. Given this situation it is recommended that the Council should not pursue a CPO at this time, as the Parish Council could achieve its ambitions through a normal market sale.

5. Risks and implications arising

5.1 The main risks are considered to be:
- Legal, any compulsory purchase action is likely to be contested. This risk could be mitigated through the use of nplaw, which has specific specialism in compulsory purchase.
- Financial, to mitigate this risk, the Council will need to be assured the Gissing Parish Council is willing to enter into a “back-to-back” arrangement, whereby the land is sold directly to it following purchase. This will be needed to ensure South Norfolk Council does not end up carrying the liability for the land, and the problem of Japanese Knotweed.
- Environmental, the development of the land for a new dwelling or as open space will result in an improvement in the environment through the eradication of Japanese Knotweed.

5.2 It is considered there are no negative impact in terms of equality or crime and disorder.

6. Other options

6.1 The Council could decide to assist the Parish Council in its attempts to secure the site, and agree to undertake compulsory purchase action. As no budget exists for this action it would require an undertaking for the Gissing Parish Council to underwrite the total cost of the action and purchase price.

7. Recommendation

7.1 Cabinet is recommended to decline the request from Gissing Parish Council to undertake Compulsory Purchase Order action, on the grounds the site is being actively marketed at a reasonable asking price.
### CABINET CORE AGENDA 2016

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<td>18 Jul O</td>
<td>Performance/Risks/Revenue Budget Q1</td>
<td>A Mewes/E Goddard / M Fernandez-Graham</td>
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<td></td>
<td>Capital and Treasury Management Report Q1</td>
<td>M Fernandez-Graham</td>
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<td></td>
<td>Community Asset Strategy</td>
<td>B Wade/A Sheppard</td>
<td>K Mason Billig</td>
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<td><strong>FULL COUNCIL 19 SEP</strong></td>
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<td>24 Oct O</td>
<td>Performance/Risks/Revenue Budget Q2</td>
<td>A Mewes/E Goddard / M Fernandez-Graham</td>
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<td>Capital and Treasury Management Report Q2</td>
<td>M Fernandez-Graham</td>
<td>M Edney</td>
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<tr>
<td>5 Dec O</td>
<td>Review of Conservation Area Appraisals – Loddon, Hingham and Harleston</td>
<td>C Bennett</td>
<td>L Hornby</td>
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</tbody>
</table>

Key decisions are those which result in income, expenditure or savings with a gross full year effect of £100,000 or 10% of the Council’s net portfolio budget whichever is the greater which has not been included in the relevant portfolio budget, or are significant (e.g. in environmental, physical, social or economic) in terms of its effect on the communities living or working in an area comprising two or more electoral divisions in the area of the local authority.