

Report To: Planning Committee

Date of Meeting: 11th November 2015

Lead Member / Officer: Cllr David Smith, Public Realm
Angela Loftus, Planning and Housing Strategy
Manager

Report Author: Lara Griffiths, Senior Planning Officer

Title: Developer Guidance Note

1. What is the report about?

- 1.1. To seek approval for planning guidance to be issued to landowners and prospective developers in the event they are proposing to submit applications for housing development on sites outside of adopted Local Development Plan (LDP) development boundaries and not covered by other LDP policies, on the basis of the county not having a 5 year housing land supply.

2. What is the reason for making this report?

- 2.1. According to the method of calculating housing land supply set out in Welsh Government Technical Advice Note 1 (TAN1) Joint Housing Land Availability Studies, Denbighshire does not have a 5 year housing land supply, despite having a relatively recently adopted LDP. This is reflected in the Annual Monitoring Report (AMR) that was reported to Planning Committee in September. The AMR will be published in October 2015. Landowners and developers may see this as an opportunity to submit housing proposals on land outside of adopted development boundaries on the basis that Denbighshire has insufficient allocated housing land to meet needs.
- 2.2. The guidance note (attached as Appendix 1) has been produced to ensure that if landowners and developers are considering the submission of applications due to the land supply position that they fully justify their case. They must demonstrate that their proposal warrants an exception to the adopted LDP, and is a sustainable form of development.

3. What are the recommendations?

- 3.1. That Members approve the planning guidance note (attached as Appendix 1) for use in the pre-application process and the determination of planning applications.

4. Report details

- 4.1. According to the method of calculating housing land supply set out in Welsh Government Technical Advice Note 1 (TAN1) Joint Housing Land Availability Studies, Denbighshire does not have a 5 year housing land supply. The 2015 Joint Housing Land Availability Study shows that Denbighshire has a housing land supply of 2.1 years
http://www.denbighldp.co.uk/Webfiles/Other/JHLA/JHLA_2015_ENG.pdf
In previous years an authority has been able to show the housing land supply based on past completions for comparison purposes and as an indication of the capacity of the house building industry locally. Past completions would indicate that based on past 5 year average Denbighshire has a housing land supply of 9.97 years and on a 10 year past average 8.75 years. The revision to TAN 1 occurred after the adoption of the LDP.
- 4.2. The content of the guidance note is clear and is specifically designed to ensure that landowners and prospective developers provide full information to justify their proposals. This information is required to enable the Council to give any proposals appropriate consideration given that they will be exceptions to the adopted LDP.
- 4.3. The information requested is considered to be fair and not onerous as it replicates the research work and justification used by the Council when allocating housing sites in the adopted LDP. The approach is also consistent with the requirements of Planning Policy Wales and the adopted LDP. In the context that these are speculative applications, submitted on the basis of a shortage in the housing land supply and on sites outside of development boundaries in the adopted LDP, it is important that the applicant provides a fully designed and justified proposal up front in order that the Council can fully consider the proposal. This includes information to show that the proposal is both sustainable; viable, and will not lead to later challenges to delivering Council obligations once permission is granted; and is deliverable given that the submission is made to meet an 'urgent' need for housing.
- 4.4. The requirements are also in line with TAN 1, Para 6.2 which states that *"The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study (see 8.2 below), the need to increase supply should be given considerable weight when dealing with planning applications **provided that the development would otherwise comply with development plan and national planning policies**".* (bold emphasis added by author).
- 4.5. For the Council to assess whether an application "otherwise complies with the development plan and national planning policies." full information is required to support the application. The submission of an outline application and/or the failure to provide the information requested in the guidance note will make it very difficult for the Council to properly assess the merits of the application and this may lead to a reason for refusal.

4.6. If Members agree to the use of this document, it will be published on the Council website and used in the pre-application process and the determination of planning applications.

5. How does the decision contribute to the Corporate Priorities?

5.1. *Corporate Priorities 2012-17*. The guidance note will contribute positively to the following corporate priority:

- Ensuring access to good quality housing – Providing further guidance on the LDP policy requirements will ensure that appropriate housing to meet the County's needs is provided.

6. What will it cost and how will it affect other services?

6.1. Agreeing the guidance note for use is not anticipated to create any additional cost.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.

7.1 An EqIA is not considered necessary for this decision as it is a reflection of national policy and not the introduction of a new policy.

8. What consultations have been carried out with Scrutiny and others?

8.1 Internal consultation has been carried out with officers in Development Management.

8.2 Input on the content of the guidance note has also been provided through the LDP Members Steering Group.

9. Chief Finance Officer Statement

9.1 The report's recommendation has no immediate cost pressure to the Council. If any arise they will need to be contained within current service revenue budgets.

10. What risks are there and is there anything we can do to reduce them?

10.1 Without the guidance note it is likely that the Council will receive a number of applications for housing on sites outside of development boundaries in the adopted LDP and will not have the necessary information to determine the sustainability, viability and deliverability of such proposals.

11. Power to make the Decision

11.1 Planning & Compulsory Purchase Act (2004).

Link to TAN1 - <http://gov.wales/topics/planning/policy/tans/tan1/?lang=en>