

**REPORT OF THE DIRECTOR OF TECHNICAL SERVICES**

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**RECENT CHANGES IN NATIONAL PLANNING POLICY**

**1. EXECUTIVE SUMMARY**

- 1.1 This report advises Members on recent announcements from the Department of Communities and Local Government about changes to national planning policy.
- 1.2 Members are asked to note the changes to national planning policy, in particular Planning Policy Statement 3 *Housing* and the revocation of the Regional Spatial Strategy for the North West.

**2. BACKGROUND INFORMATION**

- 2.1 On 9 June, 2010 the Government re-issued Planning Policy Statement 3 *Housing* with amendments removing private residential gardens from the definition of previously developed land and removing the indicative minimum density of 30 dwellings to the hectare. In this announcement, the Government said that Council's would be given the "immediate powers to prevent the destructive practice of garden grabbing and decide what types of homes are suitable for their areas." For Members information, the full text of the letter from the Department of Communities and Local Government to local planning authorities has been appended at Appendix A to this report.
- 2.2 On 6 July, 2010 the Secretary of State announced the revocation of Regional Strategies with immediate effect. For Members information, the full text of the letter from the Department of Communities and Local Government to local planning authorities has been appended at Appendix B to this report.
- 2.3 The Chief Planner at the Department for Communities and Local Government wrote to all local planning authorities to provide some initial guidance on how to take forward Local Development Frameworks and determine planning applications in light of these changes and these letters are appended to the back of this report for Members' information.
- 2.4 This report considers the implications of the removal of the Regional Spatial Strategy and of revised Planning Policy Statement 3 *Housing*. It should however be noted that the Coalition Government are proposing to move towards a simplified and consolidated National Planning Policy Framework to cover all forms of development, which may mean further changes to national policy in the short to medium

term. Any further changes to national planning policy will be reported to Members in due course.

### **3 CHANGES TO PPS3 HOUSING**

- 3.1 PPS3 was re-issued on 9 June, 2010 with the following amendments, operative from that date:
- a) The definition of previously developed land in Annex B of PPS3 now excludes private residential gardens; and
  - b) The national indicative minimum density of 30 dwellings per hectare is deleted from paragraph 47 of the Statement.
- 3.2 This may now have a bearing on planning applications which this Committee will have presented to it for a decision. With the removal of the national indicative density figure, there is no overriding policy reason to reject applications proposing a density below the 30 dwellings per hectare figure subject to the impact on local character. However, this does not in itself mean that housing schemes of a density above 30 dwellings per hectare would automatically be unacceptable, as this will depend on the circumstances of each case. The focus should generally be on how any proposal responds to its surrounding area. UDP Policy HS5 'Density and Design Guidelines' will still be applicable.
- 3.3 UDP Policy HS4 (Criteria for New Housing Development) will continue to serve the Council in determining applications for new residential development. Policy HS4 seeks to achieve the highest standards for new housing development having regard to a number of criteria, including the character and quality of the street scene, building relationships, landscaping and other features.
- 3.4 The removal of private residential gardens from the definition of "previously developed land" is perhaps less straightforward. It remains for the decision-maker to apply advice in a reasonable way and having regard to the merits of each individual case. The importance of previously developed land lies in the fact that PPS3 identifies such land as the first priority for housing development, particularly vacant and derelict sites and buildings. The minor re-ordering of text within PPS3 clarifies that whilst brownfield land remains the priority for development, there is now "no presumption that previously developed land is necessarily suitable for housing, nor that all of the curtilage should be developed."
- 3.5 The change to PPS3 to reclassify private gardens as Greenfield means that this source of land supply is no longer technically a priority for development. In the past, consideration of these schemes has tended to revolve more around site specifics, including design and its context – a more measured case by case approach. However, in light of the changes to PPS3, the Council should apply this reclassification and refuse all such applications for new dwellings in gardens where brownfield sites are available unless other material considerations determine otherwise.

- 3.6 Cabinet on 22 July, 2010 resolved to retain the Interim Planning Policy for New Housing Development until the Core Strategy is formally adopted in 2012. This policy effectively covers 80% of the Borough directing new housing development towards previously developed land within the HMRI and other identified regeneration priority areas. The policy also directs that permission for residential development on Greenfield sites will be refused and the Committee should continue to have regard to this policy as a material consideration in the determination of planning applications for new housing development. This will now additionally apply to garden sites with immediate effect.
- 3.7 Since the re-issued PPS3 removes private gardens from the definition of previously-developed land, a review of the land supply in the Wirral Strategic Housing Land Availability Assessment will be needed to take account of the new definition.
- 3.8 It is clear from the Government's announcements that this change does not affect consideration of applications for house extensions.

#### **4. ABOLITION OF THE REGIONAL SPATIAL STRATEGY**

- 4.1 On 6 July, 2010 the Government announced the revocation of Regional Strategies with immediate effect and the implications of this were set out in a report of the Deputy Chief Executive and Director of Corporate Services to Cabinet on 22 July, 2010. Whilst that report goes into some detail of the implications of the revocation of the Regional Strategy, the main issues are set out below.
- 4.2 In his report, the Deputy Chief Executive and Director of Corporate Services sets out the following implications for Wirral of the abolition of the Regional Spatial Strategy for the North West:
1. Pending the adoption of the Core Strategy, the Unitary Development Plan will once again become the single Development Plan for the Borough;
  2. There will no longer be a regional target for house building in Wirral – the policy references to housing requirements were removed from the Unitary Development Plan following a Direction from the Secretary of State in September 2007;
  3. Housing numbers and development priorities will need to be re-set locally and consulted on as part of the preparation of the local Development Plan, currently the Core Strategy Development Plan Document, supported by a Land Allocations Development Plan Document in due course;
  4. The removal of housing numbers will also have a knock-on implication for the calculation of National Indicator 154 (Net Additional Homes Provided); National Indicator 159 (Supply of Ready to Develop Housing Sites); the targets for new house building in the Local Area Agreement; and the analysis undertaken as part of the Council's Strategic Housing Land Availability Assessment.

- 4.3 The report to Cabinet on 22 July, 2010 outlined that the retention of the Interim Planning Policy for New Housing Development could be justified, if:
1. There is continued local support for housing market renewal;
  2. There is continued local support for housing delivery in the Mersey Heartlands Growth Point;
  3. There is continued local support for the need to prioritise regeneration in east Wirral;
  4. There is continued local support for the Unitary Development Plan strategy to maximise the re-use of previously developed land and support regeneration and redevelopment of the older run down areas, mainly located in the east of the Borough.

Cabinet resolved to retain the Interim Housing Policy for New Housing Development, as a material consideration for the determination of planning applications.

- 4.4 The principal implications arising from the revocation of the Regional Strategy relate to the Local Development Framework. These are set out in more detail in the report to Cabinet on 22 July, 2010 of the Deputy Chief Executive and Director of Corporate Services which can be found in full at <http://wir06metrognome.admin.ad.wirral.gov.uk/ieListDocuments.aspx?CId=121&MId=3058&Ver=4>
- 4.5 In terms of determining planning applications, the Regional Strategy ceased to be part of the Development Plan for Wirral on 6 July, 2010. As such, all planning applications must now be considered without regard to the former policies of the Regional Spatial Strategy for the North West. The Development Plan for Wirral is now the Unitary Development Plan alone as saved by Central Government direction in September 2007.

## **5 FINANCIAL AND STAFFING IMPLICATIONS**

- 5.1 There are no financial and staffing implications arising from the directly from this report.

## **6 EQUAL OPPORTUNITY AND SOCIAL INCLUSION IMPLICATIONS**

- 6.1 There are no equal opportunity or social inclusion implications arising directly from this report.

## **7 COMMUNITY SAFETY AND LOCAL AGENDA 21 IMPLICATIONS**

- 7.1 There are community safety or local agenda 21 implications arising directly from this report.

## **8 LOCAL MEMBER SUPPORT IMPLICATIONS**

8.1 This report will be of interest to all Members of the Council.

## **9 ANTI-POVERTY IMPLICATIONS**

10.1 There are no known anti-poverty implications arising directly from this report.

## **10 RECOMMENDATION**

10.1 Members are asked to note the changes to national Planning Policy Statement 3 *Housing* and the revocation of the Regional Spatial Strategy for the North West.

### **D Green**

Director of Technical Services

This report was prepared by Matthew Davies, Development Control Manager who can be contacted on 606 2246.