

## **INTERIM PLANNING POLICY FOR NEW HOUSING DEVELOPMENT**

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### **EXECUTIVE SUMMARY**

- 1.1 The Council adopted an Interim Planning Policy for New Housing Development in October 2005 to focus new housing development within a number of identified regeneration priority areas including the Newheartlands Housing Market Renewal Pathfinder (Cabinet, 20 October 2005, Minute 278 refers).
- 1.2 Cabinet on 6 November 2008 resolved that the Interim Planning Policy should be reviewed in response to the publication of the North West of England Plan Regional Spatial Strategy to 2021, following the outcome of a forthcoming planning appeal at Rockybank Road, Prenton (Minute 257 refers).
- 1.3 Planning Inspectors in two recent appeal decisions, at Rockybank Road, Prenton and at Beresford Road, Oxton, have concluded that the Interim Planning Policy would assist in meeting the objectives of in the new RSS, which sets out priorities for development across the Region. This report, therefore, recommends that the Interim Planning Policy for New Housing Development is retained unaltered.

### **2.0 Background**

- 2.1 The Council introduced an approach to restrain new housing development in west Wirral in December 2003 in response to Regional Planning Guidance for the North West (RPG13, March 2003) (Cabinet 17 December 2003, Minute 410 refers). This approach was amended in October 2005, to direct new housing development to a more limited number of identified regeneration priority areas including the Newheartlands Housing Market Renewal Pathfinder (Cabinet, 20 October 2005, Minute 278 refers).
- 2.2 RPG13 has now been replaced by the North West of England Plan Regional Spatial Strategy to 2021 (RSS), which was issued by the Secretary of State in September 2008. The new RSS forms part of the statutory Development Plan for Wirral alongside the Council's Unitary Development Plan with implications for the determination of individual planning applications and other decisions under the Planning Acts.
- 2.3 Cabinet on 6 November 2008, resolved that the Interim Planning Policy for New Housing Development (October 2005) should be reviewed following the outcome of an appeal, to be heard at a public inquiry, against the refusal of planning permission to convert property at Rockybank Road, Prenton, to self-contained flats (Minute 257 refers). A further appeal has now also been heard, raising similar issues, at Beresford Road, Oxton. These appeals have indicated how the Council's Interim Planning Policy has been viewed by Planning Inspectors in the light of the new RSS.

### **3.0 The Council's Interim Planning Policy**

3.1 The Interim Planning Policy aims to direct new housing development to the Newheartlands Housing Market Renewal Pathfinder Area and to other identified regeneration priority areas in New Brighton, Leasowe, Seacombe, Liscard, Bidston and St James, Birkenhead and Tranmere, Rock Ferry, Bromborough and at the Unilever Research Complex in Clatterbridge. A plan of the area affected can be viewed at <http://www.wirral.gov.uk/Images/Open/EWR10-550-1.jpg>

3.2 The Interim Planning Policy does not prevent residential development elsewhere in the Borough if it is a one for one replacement, the site has an extant permission and the number of units would not increase or where all of the following can be demonstrated:

- the proposal would not harm regeneration within the HMRA or within the other identified regeneration priority areas;
- the proposal would not harm the character of the adjoining area;
- the proposal would assist with the regeneration of the site; and
- the proposal meets an identified local housing need.

3.3 The text of the existing Interim Planning Policy can be viewed at [http://www.wirral.gov.uk/minute/public/ercs051013rep4b\\_17941.pdf](http://www.wirral.gov.uk/minute/public/ercs051013rep4b_17941.pdf)

3.4 The Interim Planning Policy influences the scale and location of the Borough's supply of land for new housing development and the level of new housing completions that can be achieved to meet Government targets, including the Council's Local Area Agreement and National Performance Indicator commitments.

### **4.0 Relevant RSS Policy Implications**

4.1 The implications of the new RSS were reported to Cabinet on 6 November 2008 (Minute 257 refers). Within RSS, Policy RDF1 sets the spatial priorities to guide decision making and the targeting of resources and investment across the North West. This is followed by a series of sub-regional policies which together make the regional centres of Manchester and Liverpool the first priority for growth and development. Policy LCR1, linked to a key diagram (RSS, page 136), sets out the priorities for the Liverpool City Region.

4.2 RSS policies for the Liverpool City Region, effectively divide Wirral into the following three spatial areas:

- The Regional Centre and Inner Areas (RSS Policy LCR2) are identified as the first priorities for investment to secure a significant increase in population and to support major regeneration activity. This area covers the Newheartlands Housing Market Renewal Pathfinder Area, which includes Wirral Waters, Birkenhead Town Centre, Woodside, Hind Street and Cammell Lairds. Other regeneration priority areas identified in the Council's Interim Planning Policy - including New Brighton and Leasowe, a small part of Seacombe, part of Liscard, part of Bidston and St James including Beechwood, parts of Birkenhead and Tranmere, part of Rock Ferry, all but

a small part of Bromborough and the Unilever Research Complex in Clatterbridge - are excluded from the Inner Area.

- The Outer Area (RSS, Policy LCR3) is the next priority for investment in Wirral. The area covers the remaining areas to the east of the M53 Motorway (RSS paragraph 11.9). Plans and strategies in the Outer Area should support significant intervention in areas where housing market restructuring is required and expand the quality and choice of housing. The regeneration priority areas identified in the Council's Interim Planning Policy (outside the Housing Market Renewal Pathfinder Area) - in New Brighton, a small part of Seacombe, part of Liscard, part of Bidston and St James including Beechwood, parts of Birkenhead and Tranmere, part of Rock Ferry, all but a small part of Bromborough and the Unilever Research Complex in Clatterbridge - are included within the Outer Area. Leasowe (the area to the north of the railway between Pasture Road and the A554 Wallasey Approach Road) is the only regeneration priority area identified in the Council's Interim Planning Policy that is not to the east of the M53 Motorway and is not, therefore, included in the Outer Area in RSS.
- The Rural Areas (RSS, Policy LCR4) includes the remainder of Wirral to the west of the M53 Motorway (RSS paragraph 11.13). This area includes Leasowe and Moreton East. The Rural Area is defined by RSS as the lowest priority for investment in Wirral. Plans and strategies should be consistent with other regeneration programmes and policies and ensure the provision of housing to address barriers to affordability and to meet identified local needs. Leasowe is the only regeneration priority area identified by the Council in the Interim Planning Policy to fall within this lower priority Rural Area.

4.3 A plan illustrating the boundaries to these areas can be viewed at [http://www.wirral.gov.uk/LGCL/100006/200074/856/Appendix\\_2\\_RSS\\_Spatial\\_Areas.pdf](http://www.wirral.gov.uk/LGCL/100006/200074/856/Appendix_2_RSS_Spatial_Areas.pdf). Precise boundaries will need to be defined within the Council's Local Development Framework.

4.4 RSS Policy L3 – Existing Housing Stock and Housing Renewal, expects plans and strategies to respond to the need to substantially restructure local housing markets, particularly in Housing Market Renewal Pathfinder Areas, manage the delivery of new build and its impacts on the existing housing stock, reduce vacancy rates to 3% through the increased re-use of suitable vacant housing and make the best use of the existing housing stock.

4.5 RSS Policy L4 - Regional Housing Provision, requires Wirral to make provision for 9,000 homes for the period 2003 to 2021 at annual average rate of 500 units per annum net of clearance (RSS, Table 7.1). The strategic priority in Wirral is provision of sufficient new residential development in the eastern part of the district to support the inner areas as a priority for economic growth and regeneration, including via the Housing Market Renewal Pathfinder scheme (including replacement and renewal of housing stock). Elsewhere in Wirral, provision should focus on meeting local and affordable housing needs, with careful monitoring and management of housing provision to ensure that new housing development does not result in an adverse cumulative impact on local and neighbouring housing markets (RSS paragraph 7.18, item f).

## 5.0 Directors Comments

### *Housing Land Supply*

- 5.1 One of the main issues is the need to ensure that there is enough deliverable housing land to meet the new RSS housing requirements and maintain a rolling five-year supply in accordance with national policy (Planning Policy Statement 3, paragraphs 7 and paragraphs 52-60 refer).
- 5.2 The annual average rate of housing provision (net of clearance replacement) has been increased to 500 dwellings per annum in RSS, from 160 dwellings per annum in RPG13. Wirral is expected to accommodate 9,000 additional homes between 2003 and 2021 with at least 80% provided on previously developed brownfield land (RSS Policy L4, Table 7.1). For the five year period from April 2003 to March 2008, net completions have totalled 1,786 (average 357 per year), with an increasing focus within the Interim Planning Policy regeneration priority area. In 2007/08, 60% of all new dwellings were completed within the Interim Planning Policy priority areas (460 units), compared to only 19% in 2004/05 (101 units), before the current Interim Planning Policy was introduced in October 2005.
- 5.3 The Council supported the increase in the housing requirement during the preparation of RSS, to accelerate regeneration at the heart of the urban area and to support wider opportunities, including the potential for up to 25,000 new jobs at Wirral Waters, as part of the Council's wider Investment Strategy. The delivery of an appropriate level of housing within Wirral Waters, which is now identified as part of the proposed Mersey Heartlands Growth Point (being prepared in partnership with Liverpool City Council and Peel Holdings), alongside the remainder of the Housing Market Renewal Initiative Area will be critical to the Borough's ability to meet this new requirement.
- 5.4 A programme of development for the Mersey Heartlands Growth Point was considered by Cabinet on 16 October 2008 (Minute 234 refers). The first tranche of funding (£6,332,389 to 2010/11) was announced by Central Government on 10 December 2008. The target is to support 600 net new dwellings each year across the Borough, of which an annual average of 425 net new dwellings would be supported within the Growth Point between 2008/09 and 2016/17. Were new dwellings to come forward at a slower rate, the Council's response would need to be determined by the wider housing land supply.
- 5.5 The wider housing land supply will be assessed through a Strategic Housing Land Availability Assessment. The Assessment is being jointly commissioned with Liverpool City Council to identify available housing land across the Borough within and outside the Growth Point area. The results of this Assessment are due to be reported in the middle of 2009. The Assessment will formalise the process of monitoring of housing land supply that has been carried out in Wirral for the last 30 years and has been used to successfully defend the Council's housing and planning strategies at appeal.
- 5.6 A summary of the current housing land supply can be viewed at [http://www.wirral.gov.uk/LGCL/100006/200074/856/Appendix\\_3\\_Housing\\_Land\\_Summary\\_April\\_2008.pdf](http://www.wirral.gov.uk/LGCL/100006/200074/856/Appendix_3_Housing_Land_Summary_April_2008.pdf). Wirral's gross five year housing land supply at March 2008 was 3,494 dwellings with extant planning permission, including an allowance for net conversions and changes of use. The net supply taking account of demolitions is 2,244

dwellings. The housing land supply has been successfully defended at the recent planning appeals, mentioned below.

- 5.7 The need to back date the calculation (in accordance with RSS) to reflect actual performance since March 2003 reduces the net supply further to 1,530 dwellings, as net completions have only exceeded the RSS target of 500 by 6 dwellings in 2006/07 (736 dwellings gross) and by 15 dwellings in 2007/08 (771 dwellings gross). This is currently 970 dwellings short of the five year supply target of 2,500 net dwellings at 500 per annum or 1,470 dwellings short of a five year supply target of 3,000 net dwellings at 600 net dwellings per annum. This means that the Borough is currently relying on assumptions about the delivery of unidentified windfalls to meet its future housing requirements and that the Borough will need to see an annual average of 555 net new dwellings completed over the next thirteen years to meet the RSS target of 9,000 dwellings by 2021.
- 5.8 The additional requirement of 100 net new dwellings per annum arising from the Growth Point is additional to these calculations.

#### *Appeal Decisions*

- 5.9 The Council's approach to directing new housing development to identified priority areas has, so far, been successful. Overall 24 appeals have been upheld since the Council first adopted the approach of diverting housing to the metropolitan area in December 2003 (6 since the adoption of the Interim Planning Policy in October 2005). In the four appeals allowed, Planning Inspectors have accepted that the Council's approach was valid but concluded either that the proposals being considered conformed with the criteria in the Interim Planning Policy or that there were other overriding material considerations.
- 5.10 Two appeals have been determined since the introduction of new RSS. On 7 October 2008, the Council's evidence was presented to a public inquiry into the refusal of planning permission for converting 17-23 Rockybank Road, Prenton into eight self contained flats. Evidence was also considered on 14 October 2008 at an informal hearing into the refusal of a new building for ten apartments at Beresford Road, Oxtou. Both sites were located within the new RSS Policy LCR3 Outer Area but outside the boundary of the priority areas identified in the Council's Interim Planning Policy.
- 5.11 Both Inspectors noted the net shortfall in the five year housing land supply for the Borough but accepted that an allowance could be made for windfall development over the next 5 years. In the case of Rockybank Road, the tight Green Belt boundary and the Government defined areas where housing restructuring is necessary constituted genuine local circumstances to support the Council in making an allowance for windfalls. After noting that windfall rates had averaged 762 dwellings per annum over recent years, the Inspector concluded that the Council would have adequate provision to meet a five year demand in compliance with RSS Policy L4. The latest calculations show the annual average windfall generation rate over the last five years has increased to 980 dwellings.
- 5.12 In the case of Beresford Road, the Inspector stated that the Interim Planning Policy:

*"...does not prevent the Council from meeting the increased level of housing provision within RSS. Its policy of restraining new housing outside the Pathfinder Area and giving priority for development within it, provides a balanced approach to regeneration. The IPP would assist meeting the objectives of RSS Policy LCR1 and I attribute considerable weight to it".*

- 5.13 Overall, the Inspectors found that both those proposals could set a precedent that would materially harm the regeneration objectives for the most deprived areas of the Borough and went on to conclude that the development would be contrary to RSS Policies RDF1, L4, LCR1, LCR3 and the Interim Planning Policy.

#### *Policy Implications*

- 5.14 In the light of the above background, it can reasonably be contended that the Interim Planning Policy should be retained.
- 5.15 New housing development would continue to be directed to the Housing Market Renewal Pathfinder Area and to the other regeneration priority areas identified in the Interim Planning Policy.
- 5.16 Leasowe (the area to the north of the railway between Pasture Road and the A554 Wallasey Approach Road) is the only regeneration priority area identified in the Council's Interim Planning Policy to fall within the lower priority Rural Areas defined in the new RSS. RSS Policy LCR4 states that development in the Rural Areas should be consistent with other regeneration programmes and policies. The retention of Leasowe as a regeneration priority area where new housing development would be supported, would, therefore, need to be argued as an exception to RSS when individual planning applications are being considered. This approach would continue to allow an increased contribution to the RSS housing requirement for Wirral from areas outside the RSS Inner Area.
- 5.19 Public consultation would not be required if the Interim Planning Policy is to be retained unaltered and the Policy can continue to be applied without any additional cost in time or resources.

## **6.0 Conclusions**

- 6.1 Investment within the Newheartlands Housing Market Renewal Pathfinder Area is a clear strategic priority for the Regional Spatial Strategy (RSS). The Interim Planning Policy would retain that priority with the addition of development within the regeneration priority areas identified in the Council's Interim Planning Policy.
- 6.3 There is also a need to maintain the delivery of new housing to meet the new, higher RSS housing requirement figure, heightened by the need to make good shortfalls from previous years. Given that the Borough has already begun to exceed the new RSS target with the Interim Planning Policy in place, forecast demolition rates are slowing, development is beginning to take place on cleared sites within the Pathfinder, sites with large capacities are beginning to emerge as part of the Growth Point proposals, and the protection afforded by the Interim Planning Policy for areas of higher quality housing in east Wirral, retention is recommended as the most prudent approach at this time.

- 6.4 This position will, however, need to be kept under constant review. Housing land supply and the delivery of new housing will need to be closely monitored over the coming years not least because of the Council's delivery commitments under the Local Area Agreement and related national Performance Indicators.
- 6.5 The Council's wider approach to place shaping, including the contribution from new housing development, will be considered in further detail over the next two years as part of the preparation of a Core Strategy Development Plan Document for the Borough, as part of the emerging Local Development Framework for Wirral. Any necessary future amendments will be able to be accommodated as part of that process.

## **7.0 Financial and Staffing Implications**

- 7.1 The delivery of housing and the maintenance of a five-year supply of deliverable housing land are National Indicators (NI154 – net additional homes provided and NI159 – supply of ready to develop housing sites). Following negotiations with the Government, the delivery of housing is now also a priority as part of the Local Area Agreement (NI155 – Number of Affordable Homes Delivered – Gross).
- 7.2 Performance in the delivery of housing and the maintenance of a five-year supply of deliverable sites are also a determinant in the award of the Housing and Planning Delivery Grant (Cabinet 25 September 2008, Minute 202 refers).
- 7.3 The Interim Planning Policy has implications for the management of the Council's property and the Strategic Asset Review, particularly for property falling outside the identified regeneration priority areas and has an impact on the potential for maximising receipts from land sales.

## **8.0 Staffing Implications**

- 8.1 There are no staffing implications arising directly out of this report.

## **9.0 Equal Opportunities Implications**

- 9.1 The Interim Planning Policy is oriented towards supporting housing market renewal in areas where regeneration is a priority. This is likely to be important in tackling inequalities experienced by those living in poor quality or inappropriate housing.

## **10.0 Community Safety Implications**

- 10.1 There are no community safety implications arising directly out of this report.

## **11.0 Local Agenda 21 Implications**

- 11.1 The Interim Planning Policy aims to ensure that new housing development in Wirral takes account of the policies in PPS3 and RSS. These focus on new housing development making the most effective use of previously developed land in areas of the Borough most in need of regeneration.

## **12.0 Planning Implications**

- 12.1 The Interim Planning Policy is a material consideration alongside national policy, the new RSS and the Council's Unitary Development Plan and has implications for the determination of individual planning applications.
- 12.2 It is the Government's clear wish that planning policies should be set through the statutory Development Plan process – through RSS or a Local Development Framework Development Plan Document and Proposals Map. The Interim Planning Policy was intended to provide a policy context until the adoption of the Council's Development Plan in its entirety.
- 12.3 Although RSS was re-issued in September 2008 and forms part of the Development Plan for Wirral, the policies for the Liverpool City Region are still not clear and require clarification in their application. Two Planning Inspectors have separately verified that the Interim Planning Policy can sit alongside the new RSS, to provide local clarity pending the adoption of the Council's Core Strategy Development Plan Document.
- 12.3 The Interim Planning Policy will be overtaken by the preparation of the Core Strategy Development Plan Document, which will be prepared in the light of all the available evidence, including the results of the Strategic Housing Land Availability Assessment, progress on the delivery of the Growth Point and more recent trends in housing completions to meet Government targets, subject to formal Public Examination.

## **13.0 Anti-Poverty Implications**

- 13.1 The Interim Planning Policy seeks to support housing market renewal in areas where regeneration is a priority. This is likely to be important in tackling inequalities experienced by those living in poor quality or inappropriate housing or environments.

## **14.0 Human Rights Implications**

- 14.1 Article 8 of the European Convention on Human Rights provides that everyone has the right to have their private and family life, home and correspondence respected. Article 1 of the First Protocol to the Convention establishes, among other things, that no one shall be deprived of their possessions except in the public interest.
- 14.2 The restraint of new housing development by refusal of planning permission may interfere with the Human Rights of site owners due to the restrictions that it would place on the future development of their land. However, this has to be set against the wider public interest. Article 1 of the First Protocol expressly provides that it does not impair the right of the State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest.



## **15.0 Social Inclusion Implications**

- 15.1 The Interim Planning Policy seeks to support housing market renewal in areas where regeneration is a priority. This is likely to be important in tackling inequalities experienced by those of living in poor quality or inappropriate housing or environments.

## **16.0 Local Member Support Implications**

- 16.1 This report has implications for all Ward members.

## **17.0 Background Papers**

- 17.1 Planning Policy Statement 3 – Housing (CLG, November 2006) can be viewed at <http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement3.pdf>
- 17.2 The Regional Spatial Strategy – The North West of England Plan (September 2008) can be viewed at <http://www.gos.gov.uk/497468/docs/248821/476846/NorthWestEnglandRSS>
- 17.3 Cabinet Report Regional Spatial Strategy for the North West – Implications for Wirral can be viewed at [http://wir06metrognome.admin.ad.wirral.gov.uk/Published/C00000121/M00000351/AI00002030/\\$CABCS081106REP1.docA.ps.pdf](http://wir06metrognome.admin.ad.wirral.gov.uk/Published/C00000121/M00000351/AI00002030/$CABCS081106REP1.docA.ps.pdf)
- 17.4 The Council's Interim Planning Policy for New Housing Development (October 2005) can be viewed at [http://www.wirral.gov.uk/LGCL/100006/200074/485/content\\_0000039.html](http://www.wirral.gov.uk/LGCL/100006/200074/485/content_0000039.html)

**RECOMMENDATION** – That the Interim Planning Policy for New Housing Development (October 2005) be retained unaltered for use in determining planning applications.

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