



WEST LANCASHIRE RESIDENTIAL DEVELOPMENT POLICY UPDATE

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CONTENTS

	Preface	3
	Executive Summary	3
1.	Introduction	4
	Background to Policy DE1	
2.	The Regional Spatial Strategy	5
	RSS housing requirement and policies for West Lancashire	
3.	Planning Policy Statement 3: Housing	7
4.	LDF Preparation in West Lancashire	8
	Strategic Housing Land Availability Assessment	
	Employment Land and Premises Study	
	Taking account of the RSS in West Lancashire	
5.	Policy DE1 and the RSS	9
	Application of Policy DE1	
Appendix	West Lancashire Replacement Local Plan Policy DE1 (Residential Development)	12

Preface

This document outlines the Council's approach to residential development in the light of the new North West Regional Spatial Strategy, adopted on 30 September 2008. In particular, it explains how Policy DE1 (referred to by some people as "the moratorium") will be applied.

An accompanying document, "Housing Land Supply in West Lancashire" provides details of housing completions and permissions in the District over the past year, and estimates the latest supply of housing land. In addition, an updated version of the 2004 Supplementary Planning Guidance Note: "Managing Housing Land Supply" is available, reflecting changes in the national and regional policy framework and local housing land supply position since 2004.

This interim policy guidance note and the housing land supply document referred to above will be updated as necessary when the need arises. (This update, which reflects the adoption of the North West RSS, supersedes a similar document produced in June 2008, based on the "Proposed Changes" version of the then-emerging RSS.) Further information on the material contained in this document may be obtained from:

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Executive Summary

In the light of the new adopted Regional Spatial Strategy, in particular its housing requirement of an average of 300 net new housing completions per annum, and the effect of this figure on housing land supply in the District, the following types of residential development will be permitted in West Lancashire:

- The seven types of residential development permitted by Part 2 of Policy DE1 of the West Lancashire Replacement Local Plan (WLRLP) as listed in Appendix 1 to this document;
- Brownfield development in Skelmersdale, Ormskirk and Burscough (as permitted by the penultimate paragraph of Policy DE1), subject to this development being in accordance with other relevant WLRLP policies.

In particular, in order to comply with relevant WLRLP policies, the following types of residential development will be resisted, unless it is expressly permitted by the policies referred to below:

- Development on land whose current or previous use was employment land (Policy DE5);
- Development on Safeguarded Land (Policy DS3);
- Development on Open Land on the Urban Fringe (Policy DS4);
- Development on "Development Opportunity Sites" (Policy DE14);
- Development on Recreational Land (Policy SC1);
- Development on Transport Sites (Policy SC7).

Within the villages and rural settlements, affordable housing and accommodation to meet the specific needs of a section of the community will be permitted, in accordance with Policies DS1.3 and DE1.

The above approach does not represent a change to Policy DE1, but is merely an alteration in the way in which the policy is applied, reflecting changing circumstances.

It is intended that Policy DE1 will continue to serve as the residential development policy for West Lancashire District until the adoption of a LDF Core Strategy and Site Allocations Development Plan Document. This interim guidance note will be updated where necessary as circumstances change.

1. INTRODUCTION

Background to Policy DE1

1. Until the adoption of the North West Regional Spatial Strategy (RSS) in September 2008, the West Lancashire District housing land requirement was set out in the Joint Lancashire Structure Plan 2001-2016 (“the Structure Plan”), adopted in March 2005, and the former RSS for the North West, adopted in 2003. The requirement was for 3,390 dwellings to be provided in the District over the period 2001-2016 at an approximate rate of 305 per annum 2001-06 and 185 per annum 2006-16.
2. In 2002, it became apparent in West Lancashire that, owing to the large number of sites in the District with extant residential planning permissions, and the high levels of housing completions that had recently been taking place, a large proportion of the Structure Plan housing land supply requirements for the District were already accounted for at an early stage in the Plan period. To have continued without restraining the supply of housing land would have led to the development plan housing targets being exceeded by a significant amount.
3. As a result, the Council introduced a restrictive residential development policy in November 2002 as supplementary planning guidance. This policy subsequently underwent some minor amendments, before being adopted by the Council on 5 July 2006 as Policy DE1 of the West Lancashire Replacement Local Plan (“the Replacement Plan”). Policy DE1 has been referred to by some parties as a “moratorium”, although strictly speaking it is not actually a moratorium, but a policy of restraint in terms of new permissions for housing.
4. Policy DE1 restricts the granting of permissions for new residential development to seven specific categories listed in the policy. The only type of residential development outside of these categories that would be permitted would be development on brownfield sites within the three main settlements of the District (i.e. Skelmersdale, Ormskirk and Burscough), provided it did not contribute towards a housing land oversupply. The text of Policy DE1 is added as an appendix to this document.
5. The approach of Policy DE1 has been consistent with wider planning objectives for the North West, in particular with respect to urban regeneration in the metropolitan and other areas. Policy DE1 has been consistently applied across the District and upheld on appeal between 2002 and 2007.

2. THE REGIONAL SPATIAL STRATEGY

RSS housing requirement and policies for West Lancashire

6. A new RSS, “North West of England Plan – Regional Spatial Strategy to 2021” was adopted on 30 September 2008, following four years of preparation and consultation.
7. Policy L4 of the RSS sets a housing requirement of **5,400 new dwellings over the period 2003-2021** (net of clearance /replacement) for West Lancashire District. This averages out to 300 net new dwellings per annum, and represents a 33% increase over the housing requirements in previous RSS. This figure of 5,400 dwellings was included in each of the draft stages of the emerging RSS, and was not subject to any sustained objections during the RSS’s submission and examination in 2006 and 2007.
8. Paragraph 7.18(e) of the supporting text for Policy L4 set out the strategy for locating the new dwellings in “South West Lancashire” (defined as the combined area of West Lancashire District and Sefton Metropolitan Borough) as follows:

“Continued careful monitoring and management of housing provision will be necessary to ensure that new housing development does not result in an adverse cumulative impact on local and neighbouring housing markets. Housing provision should focus on meeting local market and affordable housing needs, especially in Ormskirk, Burscough and the northern part of Sefton; and on development in sustainable locations well served by public transport to support agreed local regeneration strategies in Skelmersdale...”

(The rest of the paragraph refers to Sefton Borough.)
9. Paragraph 7.20 deals with housing location. It states that the location of new dwellings will be determined through the Local Development Framework (LDF) process, using the following sequential approach to development (from Policy DP4, as recommended in the Panel Report and PCs):
 - Firstly – use of existing buildings (including conversion) within settlements, and previously developed land within settlements;
 - Secondly – use of other suitable infill opportunities within settlements, where compatible with other RSS policies;
 - Thirdly – the development of other land where this is well-located in relation to housing, jobs, other services and infrastructure.

Land supply management should be developed in line with results of sub-regional housing assessments, an assessment of existing housing provision, and the potential of urban areas to accommodate more. The policy gives scope for some phasing of the 5,400 dwellings, taking into account the following guiding principles:

- Phasing will be based on the LDF process; housing land supply should be actively managed in line with PPS3;
 - New housing should be located so as to prioritise the re-use of brownfield land and buildings within existing urban areas that are accessible by a choice of transport methods in line with Policies DP4 (as above) and W4 (Release of Allocated Employment Land).
 - Sites should not be released unless sufficient capacity including water supply and waste-water treatment exists or can be provided ahead of the development without environmental harm in line with Policy EM5 (Integrated Water Management).
10. Policy W4 (Release of Allocated Employment Land), referred to in the penultimate bullet point above, reads as follows in the RSS PCs:

“Where sites are to be de-allocated in plans and strategies (following a comprehensive review of commitments outlined in Policy W3 [Supply of Employment Land]) consideration should be given to a range of alternative uses and determined as appropriate to the nature and location of each site. Alternative uses considered should

include housing, and soft end uses, particularly where this will contribute to the delivery of Green Infrastructure Networks (Policy EM3). Appropriate remediation may also be required to address issues of land contamination before sites can be effectively re-used (Policy EM2). In de-allocating sites, Local Authorities should be mindful of the need to create and sustain mixed-use communities where there is access to a wide range of services and facilities.

Outside of a comprehensive review of commitments (Policy W3) when preparing plans and strategies and considering proposals and schemes, there should be a presumption against the release of allocated employment sites for other uses. Sites should not be released where they provide, or have the potential to provide, an important contribution to the economy of the local area. If Local Authorities are mindful to release sites they should be satisfied, before doing so, that:

- An appropriate supply of sites is available for employment uses. The de-allocation or re-allocation of a site should not result in a deficient supply of employment land, in either quantitative or qualitative terms, matched against the demand and supply requirements of the local economy.
- If required, there are replacement sites available, of equal or better quality, or that alternative means of incorporating employment land needs have been identified. This might mean considering mixed-use developments, greater intensity of land use or the availability of sites in adjacent authorities.

In both cases, consideration should be given to the implications of releasing /retaining employment land in relation to the spatial principles in DP1-9, in particular the promotion of social and economic inclusion, sustainable travel choices and access to services, particularly within Housing Market Renewal Areas and rural areas.”

3. PLANNING POLICY STATEMENT 3: HOUSING

11. PPS3 requires local planning authorities to maintain a five year supply of deliverable sites. A site is deliverable, according to PPS3 paragraph 54, if it is:
 - Available now;
 - Suitable – offering a suitable location for development now and would contribute to the creation of sustainable, mixed communities;
 - Achievable – there is a reasonable prospect that housing will be delivered in the site within five years.

12. PPS3 paragraph 69 requires that local planning authorities have regard to the following factors when deciding planning applications:
 - Achieving high quality housing;
 - Ensuring developments achieve a good mix of housing, reflecting the accommodation requirements of specific groups, in particular families and older people;
 - The suitability of a site for housing, including its environmental sustainability;
 - Using land effectively and efficiently;
 - Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area, and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

13. If planning applications come forward for sites within the District's overall housing land supply, but which are not yet in the up-to-date five year supply, paragraph 70 states that local planning authorities need to consider whether granting permission on such sites would undermine achievement of their policy objectives.

14. If an up-to-date five year supply of deliverable sites cannot be demonstrated, PPS3 paragraph 71 requires local planning authorities to consider planning applications for housing favourably, having regard to the policy considerations in the PPS, including the considerations in paragraph 69.

4. LDF PREPARATION IN WEST LANCASHIRE

15. Preparation of the West Lancashire LDF is underway, but is at a relatively early stage. It is expected to be 2010 before the adoption of a Core Strategy and Site Allocations Development Plan Document. The content of the new RSS will be fully taken into account in preparing the District's LDF. At present, the District Council is compiling its LDF evidence base. Two current studies of relevance in terms of housing policy are described below.

Strategic Housing Land Availability Assessment

16. The District Council is currently carrying out a Strategic Housing Land Availability Assessment (SHLAA), in partnership with two neighbouring authorities: Sefton and Knowsley Metropolitan Borough Councils. This SHLAA is being undertaken in accordance with PPS3 and central government guidance on preparing SHLAAs, and it should also fulfil the requirements of paragraph 7.20 of the RSS as quoted above.
17. The SHLAA will identify how much housing may be accommodated within the settlements of the District over the 15 year LDF period, and will indicate whether any additional housing land will need to be allocated in the LDF on new sites, and if so, what amount. Once completed (anticipated date: early 2009), the SHLAA should also provide greater certainty as to what the Council's housing land supply is, in particular whether there exists a 5 year supply of specific deliverable housing sites in the District.

Employment Land and Premises Study

18. In addition to the SHLAA, West Lancashire District Council is partnering Sefton, Knowsley and Halton Councils in a joint Employment Land and Premises Study (ELPS). Expected outputs from this study will include an analysis of the amount and quality of employment land in the District, likely future demand and requirements for employment land, and an appraisal of the suitability of sites currently in the employment land supply for employment use, or whether it would be appropriate to release them for alternative uses. It will be ensured that any recommendations of this study will be in accordance with relevant development plan policies, including RSS Policy W4 as quoted above.

Taking account of the RSS in West Lancashire

19. West Lancashire District Council has been using the new RSS's housing requirement in calculating its housing land supply as from April 2008. In advance of LDF preparation, where some phasing may be introduced if deemed necessary¹, the District Council will take the average 300 dwellings per annum as its annual housing requirement for the time being. The policy implications of this are discussed below.

¹ Given Policy DE1 has restricted housing land supply over recent years, it will take time to raise supply and completion levels to the levels required by new RSS. Thus completions for the early years of the RSS period are likely to be below 300pa but should increase in subsequent years.

5. POLICY DE1 AND THE RSS

Application of Policy DE1

20. Policy DE1 is quoted in full in the appendix to this document. In the event of there being a housing land oversupply in the District, this policy allowed for seven specific types of residential development as follows:
- a) the conversion of buildings within the main urban areas of Skelmersdale, Ormskirk /Aughton and Burscough, provided that they are not allocated for, currently used for, or their last use was for, employment uses, and the conversion would have significant urban regeneration benefits;
 - b) housing which forms a key element within a mixed use regeneration project within Skelmersdale, or within, or directly adjacent to, Ormskirk and Burscough Town Centres;
 - c) residential development within the priority regeneration area of Skelmersdale, provided that the land is not allocated for, currently used for, or previously used for, employment use, and the land can be demonstrated to be not needed for community or public open space use. It must be demonstrated that the development will contribute to the wider regeneration of the Town itself. This may include the replacement of dwellings lost through demolition, where redevelopment may necessitate a lower density. Residential development on the greenfield site at Whalleys will need to conform to Policy DE2;
 - d) agricultural workers dwellings where there is a proven need and where they need to be located in a specific location;
 - e) replacement dwellings in situ where there is no more than a one-for-one replacement;
 - f) schemes which provide 100% affordable housing, or accommodation to meet the specific needs of a section of the community, within the settlements identified on the Proposals Map to meet the identified needs of the local area;
 - g) the conversion of a rural building in the Green Belt for residential use will be considered where it meets a specific local need, or an identified local housing need in less remote locations, or where it can be demonstrated that the building is inherently unsuitable for any other use.
21. The penultimate paragraph of Policy DE1 states that in the event of there not being a housing land oversupply, the above seven types of residential development would be allowed, and, in addition, residential development on brownfield sites in Skelmersdale, Ormskirk and Burscough (the three main settlements of the District).
22. In the light of the content of the RSS and PPS3, it is considered that there is no longer a housing land oversupply in West Lancashire District. Therefore the penultimate paragraph of Policy DE1, as quoted above, applies. It must be stressed that this approach does not represent a change to Policy DE1, but merely an alteration in the way in which the Policy is applied, given changing circumstances with regard to housing land supply. It must also be stressed that proposals for residential development on brownfield sites within the District's three main settlements must still satisfy other relevant Development Plan policies, as explained in paragraphs 28-34 below.
23. Although the word "restraint" has been removed from RSS paragraph 7.18(e) (it was present in earlier versions of the RSS as it emerged), there is still a requirement for careful monitoring and management of housing land in West Lancashire and Sefton. One reason for this is to continue to facilitate housing market renewal in south Sefton. It is considered that allowing unrestricted residential development in West Lancashire could harm the HMRI process. (Whether this continues to be the case will be investigated through various studies and monitored as Sefton and West Lancashire Councils prepare their respective LDFs.)
24. Furthermore, paragraph 7.20 of the RSS PCs, as quoted in the final two bullet points of paragraph 12 above, requires that new residential development be assessed in terms of the sequential approach to development (RSS Policy DP4) and having regard to the existence of sufficient capacity, in particular water and waste water supply.

25. The District Council is currently at an early stage in its LDF preparation. This process will involve extensive consultation and liaison with a number of different bodies both within and beyond the boundaries of the District. A set of different options will be considered during the documents' preparation, and these will be subject to an independent examination.
26. In terms of housing policy, the emerging LDF for West Lancashire will take careful account of PPS3 and the new RSS, and of the results and conclusions of the SHLAA. Housing land supply will be continually monitored, in particular the supply of deliverable sites.
27. In the interim period, before the adoption of the District's emerging LDF, and taking account of all of the material referred to in this document, the Council intends to take the following approach with respect to proposals for residential development in the District:

Development on Employment Land

28. Policy DE5 of the WLRLP allocates sites for employment development (typically Use Classes B1, B2 and B8), and seeks to protect sites allocated for such uses, and unallocated sites currently in employment use. At present, in advance of the undertaking and publication of the Employment Land and Premises Study, and given the current shortfall in employment land with respect to the most recently available development plan requirements at District Level – Joint Lancashire Structure Plan Policy 14², West Lancashire District Council is seeking to protect all its employment sites from other forms of development. However, where a site forms part of a mixed-use regeneration scheme in Skelmersdale, or in or adjacent to Ormskirk or Burscough Town Centres, then some housing may be appropriate to help facilitate the regeneration scheme, in line with WLRLP Policy DE1.2b. Therefore, except where alternative or mixed uses are specifically allowed for by WLRLP policies, planning applications for housing on sites whose current or previous use is /was for employment will be resisted until the LDF evidence base is complete with respect to employment land issues, and employment land requirements for the District are known. This approach is considered to be in accordance with Policy W4 of the RSS.

Development in the Rural Settlements

29. The rural settlements of the District are listed in WLRLP Policy DS1 part 3. Proposals for residential development in these areas will continue to be restricted to the uses outlined in Policy DS1.3, that is: affordable housing, and or accommodation to meet the specific needs of a section of the community. As part of the LDF preparation in West Lancashire, the capacity of the District's villages to accommodate further residential development will be examined. This will involve liaison with relevant bodies such as utilities and education providers. It may be the case that some deliverable housing sites may be identified in the villages in the SHLAA. However, in advance of LDF preparation, and while the capacity of the villages to accommodate further development has not been properly tested, the Council will at present resist applications for market housing in the villages. If any appropriate SHLAA sites are identified, these are only likely to be supported for development after the LDF's adoption.

Development on Safeguarded Land

30. Policy DS3, which safeguards sites for development needs which may be identified for the years beyond 2016, will continue to apply in the District. Thus proposals for residential development on these sites will continue to be resisted. The SHLAA, currently under preparation, will provide the District Council with an indication of how much housing land could be provided in the urban areas of the District. Depending on the results of the SHLAA, it is likely that the safeguarded sites will be looked at as part of the LDF process.

² The RSS does not provide employment land requirements at District level, and so the JLSP figure is the most recent plan requirement for employment land in the District. The RSS annual average requirement for Lancashire is higher than the JLSP requirement for Lancashire.

Development on Open Land on the Urban Fringe

31. Policy DS4 (Open Land on the Urban Fringe³) will continue to be applied in the District. Thus, in terms of residential uses, development on land allocated under this policy will continue to be limited to small-scale affordable housing to meet an identified local need, provided it can be demonstrated that there are no suitable sites available within the built up area, and that if there are no such sites, other (DS4) land closest to the village centre has been considered first, followed by sites further from the village centre where a problem of dereliction would be removed.

Development Opportunity Sites (Mixed-Use Development Sites)

32. Policy DE14 lists 8 sites available for development for a wide range of uses excluding residential development (unless specifically referred to in the policy or its justification), providing they comply with other policies in the WLRLP. This policy will continue to apply as at present.

Development on Recreational Land

33. Policy SC1 of the WLRLP continues to apply to proposals for development of land allocated for recreational use on the WLRLP Proposals Map, and to other land in recreational use. If it turns out that there is a surplus of recreational land, and that some could appropriately be released for other uses, this will be dealt with through the LDF process. In advance of the LDF's adoption, proposals for residential development on recreational land will be resisted.

Development on Transport Sites

34. Sites designated on the WLRLP Proposals Map under Policy SC7 (transport-related sites) will continue to be protected from development that would prejudice their capacity to provide transport-related facilities, or function as transport sites. In addition, sites not marked on the Proposals Map, but having the potential to provide the types of development listed in Policy SC7 parts 1-13, will be protected from inappropriate development.

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35. The interim approach to residential development in West Lancashire set out in the previous seven paragraphs makes use of Policy DE1 and other WLRLP policies. The Council considers that it is still appropriate to apply these policies, as they are considered still to be broadly in line with the objectives of the RSS policies quoted above. Unless directed otherwise by central government, and as long as it remains in general conformity with the RSS and national policy, it is intended that Policy DE1 will continue to serve as the residential development policy for West Lancashire until the adoption of a LDF Core Strategy and Site Allocations Development Plan Document in the District.

36. The extent of housing land supply at a given time is obviously an important consideration when determining planning applications. Therefore housing land supply will be monitored on a more regular basis than previously. Whereas it has been calculated and published on an annual basis for the past few years, the Council will endeavour to measure it on an approximate six-monthly basis, and to make these figures available to the public upon request. The latest housing land supply position will be published as an accompanying document to this interim policy guidance note.

³ Land allocated under Policy DS4 is labelled as "Protected Land", rather than "Open Land on the urban fringe" on the WLRLP Proposals Map legends.

APPENDIX

West Lancashire Replacement Local Plan Policy DE1 (Residential Development)

The housing requirement for West Lancashire, set out in the Joint Lancashire Structure Plan 2001 - 2016, of 3,390 dwellings for 2001 - 2016, will be met from the following sources:-

1. Completions between April 2001 - March 2004 and existing commitments (excluding replacement dwellings) as set out below:-

	No. Dwellings
(i) Completions April 2001 - March 2004	1,280
(ii) Dwellings with planning permission @31/3/04	1,403
(iii) Dwellings on windfall sites granted permission 1/4/04 to 2/8/04	41
(iv) Dwellings on windfall sites - applications delegated by Committee, awaiting completion of S106 agreements @ 2/8/04	53
TOTAL	2,777

2. Due to the large number of existing commitments, new residential development, including the renewal of existing planning consents, will only be granted for:-

- a. the conversion of buildings within the main urban areas of Skelmersdale, Ormskirk /Aughton and Burscough, provided that they are not allocated for, currently used for, or their last use was for, employment uses, and the conversion would have significant urban regeneration benefits;
- b. housing which forms a key element within a mixed use regeneration project within Skelmersdale, or within, or directly adjacent to, Ormskirk and Burscough Town Centres;
- c. residential development within the priority regeneration area of Skelmersdale, provided that the land is not allocated for, currently used for, or previously used for, employment use, and the land can be demonstrated to be not needed for community or public open space use. It must be demonstrated that the development will contribute to the wider regeneration of the Town itself. This may include the replacement of dwellings lost through demolition, where redevelopment may necessitate a lower density. Residential development on the greenfield site at Whalleys will need to conform to Policy DE2;
- d. agricultural workers dwellings where there is a proven need and where they need to be located in a specific location;
- e. replacement dwellings in situ where there is no more than a one-for-one replacement;
- f. schemes which provide 100% affordable housing, or accommodation to meet the specific needs of a section of the community, within the settlements identified on the Proposals Map to meet the identified needs of the local area;
- g. the conversion of a rural building in the Green Belt for residential use will be considered where it meets a specific local need, or an identified local housing need in less remote locations, or where it can be demonstrated that the building is inherently unsuitable for any other use.

Other residential development not covered by the above criteria will only be permitted on brownfield sites within Skelmersdale, Burscough and Ormskirk /Aughton if it would not result in an oversupply of housing land in the District.

In addition to the design criteria in Policy GD1, development on all sites should conform to the following criteria:-

1. the density of development should be a minimum of 30 dwellings per hectare, rising to at least 50 dwellings per hectare at sites with access to good public transport facilities;
2. any affordable housing required by Policy DE3 shall be provided on the same site; and
3. recreational facilities and/or public open space shall be provided to meet the needs of the residents of the new housing and arrangement should be made for their maintenance.