

Conwy County Borough Council
STRATEGIC PLANNING POLICY SERVICE

DEVELOPER GUIDANCE NOTE 1

**Speculative Housing
Development Proposals**



December 2015



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Context

This developer guidance note provides advice on the Council's requirements for supporting evidence and justification to be submitted, in the event that developers are considering the submission of speculative planning applications for housing development, on the basis of the Council's present housing land supply position. This does not mean that applications are necessarily invited or pre-determined.

Status of this Note

This note has been considered and endorsed by the Council's Cabinet at its meeting on 10th November 2015. It therefore takes immediate effect and applies to any speculative applications currently with the Council as well as future ones yet to be submitted.

Speculative Housing Development Proposals

According to the method of calculating housing land supply prescribed by the Welsh Government in Technical Advice Note 1 Joint Housing Land Availability Studies (TAN1), Conwy does not currently have a five year supply of housing land. In accordance with paragraph 9.2.3 of Planning Policy Wales (PPW) "*Local planning authorities must **ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing** (emphasis added) judged against the general objectives and the scale and location of development provided for in the development plan*".

TAN1 sets out how an authority must act when it does not have a 5 year land supply: "*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*".

For the purposes of both paragraphs 9.2.3 of PPW and 6.2 of TAN1, reference to "*the development plan*" means the adopted Conwy Local Development Plan.

In the event that a developer is considering submitting a planning application for housing development, justified on the basis of a shortfall in housing land supply, the Council will expect to see comprehensive evidence to justify such an application, in relation to:

1. The need for the development proposed

This should be set out in the context of the area local to the site, as well as Conwy as a whole. Regard should be had to the nature and function of the settlement within which the proposal is made, its role as part of the LDP spatial strategy, and how the identification of the site fits in with the requirement for a search sequence as

referenced in paragraph 9.2.8 of PPW. This is to ensure that developers are following the same principles in terms of identifying sustainable sites as the Local Planning Authority were required to do in the preparation of the LDP.

To clarify, any speculative applications for housing must be able to show an identified need for additional residential development in that particular settlement in line with the Conwy Local Development Plan and the most recent local housing land supply documents. Further details can be found at:

English:

www.conwy.gov.uk/jhlas

Welsh:

www.conwy.gov.uk/catt

2. Ranked Sites

As part of the LDP process a large number of ‘candidate’ residential sites were submitted for consideration. The first stage of site assessment is designed to take out sites that do not comply with the LDP strategy. Stage two comprised assessing sites against national planning policy, undertaking site visits and consulting with statutory bodies. Sites were also assessed against the LDP spatial objectives and sustainability points on access to facilities and public transport provision, etc. Finally, the most suitable sites in each settlement were ranked according to their suitability and deliverability in line with the LDP spatial strategy and housing requirements. The highest ranked sites were then submitted for allocation in the LDP.

LDP Background Paper (BP) 21 states:

‘The ranking of sites helps not only in demonstrating the assessment process leading to the most suitable sites for allocating; it also shows the next preferred sites including the reserve (contingency) sites and also the next best performing sites, should they ever be required in future plan reviews. The ranking of sites have also incorporated mitigation measures suggested by consultees.’

The CLDP ranked sites can be viewed via the following link www.conwy.gov.uk/speculativedevelopment

It is considered reasonable that, where there is an identified need and there are no other suitable allocated or contingency sites, the ranked sites in that area would be next in line for consideration subject to all other material considerations.

3. Full Application

The Council would prefer the submission of a full application to allow the Council to properly assess the proposal in terms of the need to be met, the housing to be provided, and the deliverability of the scheme. Outline applications are not considered appropriate or acceptable to consider proposals for speculative development on the basis of a lack of housing land supply, as without full information it may prove difficult

for the Council to be satisfied that the proposal represents a sustainable and deliverable form of development.

It is strongly recommended that landowners and/or prospective developers utilise the Authority's Pre-application Enquiry procedure in order that early discussions relating to the application requirements can take place. Pre-planning application advice can be obtained by contacting the Development Management Service.

4. Sustainability Appraisal

A Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA) is required to demonstrate why and how the site represents a sustainable form of development in relation to both the local and national policy context, the principles and objectives which are set out in paragraphs 4.3.1 and 4.4.3 respectively of PPW.

5. Affordable Housing and other Planning Obligations

The developer will be required to demonstrate that the site can be developed on the basis of accommodating all of the Council's policy requirements (e.g. Affordable Housing, open space, education, highways, etc), as well as providing all other necessary infrastructure required. This is to assist in assessing the sustainability and deliverability of the proposal.

Landowners must be realistic over their expected financial return for speculative development sites as they are predominantly of agricultural value unless they benefit from planning permission for residential use. Such a permission is unlikely to be granted unless all planning obligations are provided in full. It is the developer's responsibility to ensure that adequate surveys have been undertaken prior to negotiating land values as planning obligations will not be reduced due to excessive land purchase costs or development costs that could be reasonably foreseen prior to land purchase (LDP paragraph 4.2.13.3)

It is strongly recommended that landowners and/or prospective developers utilise the Authority's Development Viability Advice Service. This service is in place to discuss the viability of a proposed development scheme and provide developers with a formal response detailing the level of planning obligations that would be required to support a planning application as per the Council's adopted 'Planning Obligations Supplementary Planning Guidance' (e.g. Affordable Housing, Open Space, Education, etc.). The Strategic Planning Policy Service use a recognised Development Viability Appraisal Toolkit to assess a schemes viability having considered various costs and revenue. A charge will apply for using the Development Viability advice service. Further details and charging rates can be found at www.conwy.gov.uk/viability.

6. Housing Delivery Statement

The Council requires the submission of this essential evidence by the developer in order to demonstrate how the development can deliver housing to help to reduce whatever is considered to be the identified shortfall in housing supply, with commencement within 2 years of permission being granted. This should clearly identify a timeline for the development including the expected start date, the annual completion rate, as well as the expected completion date for the whole development. This should also clearly identify which developer(s) will be building the homes. This requirement is also to ensure compliance with advice in paragraph 9.2.3 of PPW: *“This means that sites must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development, so as to create and support sustainable communities where people want to live”*.

7. Compliance with national and local planning policy.

Section 54A of the Town & Country Planning Act 1990 states:

“Where, in making any determination under the Planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.”

TAN1 at paragraph 6.2 states:

*Where the current [JHLAS] study shows a land supply below the 5-year requirement...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.***

Notwithstanding the above-mentioned guidance all applications will be determined in line with the relevant national planning guidance, LDP policies and other material planning considerations.

The LDP policies are available by following this link:

http://conwy.opus3.co.uk/ldf/documents/Adopted_LDP/bookmarks

APPENDIX

Advisory Notes:

- (i) A failure or unwillingness to provide any/all of these essential requirements will leave the Council unable to adequately assess the sustainability of the proposed development.
- (ii) Speculative developments that do not otherwise comply with policy must clearly demonstrate their full sustainable development credentials.
- (iii) Outline applications are not considered suitable or appropriate to make such exception cases.
- (iv) Whilst all sites are considered on their merits, speculative development sites must also clearly show that they do not compromise LDP strategy.
- (v) Any consent recommended will be time limited to commencement within two years.
- (vi) Any applications for renewal of such consents will need to be fully justified as the basis on which they were originally permitted i.e. as an exception based on an urgent need. Such application for renewal will be given careful consideration and will not automatically be renewed.