

Executive

Local Development Framework Annual Monitoring Report

1 November 2010

Report of Head of Planning Policy and Economic Development

PURPOSE OF REPORT

To seek approval of the Local Development Framework's Annual Monitoring Report (AMR) for submission to the Secretary of State for Communities and Local Government, and to present the district's current housing land supply position.

This report is public

Recommendations

The Executive is recommended:

- (1) to approve the Annual Monitoring Report for submission to the Secretary of State;
- (2) to note the district's housing delivery position

Executive Summary

Introduction

- 1.1 An Annual Monitoring Report (AMR) has been prepared for the period 1 April 2009 to 31 March 2010. It presents information on development that took place or was permitted over that period and provides a comprehensive review of housing land supply. The AMR also reports on progress in preparing the Local Development Framework having regard to the programme set out in the Local Development Scheme (LDS).
- 1.2 A full paper copy of the AMR has not been attached to this report but is available electronically on the Council's website. A copy has also been placed in the Members' Room.
- 1.3 The Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended) require the Council to produce an AMR. Upon approval by the Executive, it will form part of the Local Development Framework (LDF).
- 1.4 The information contained in the AMR will be used to inform policy making

for the LDF and in consultations on planning applications. The Council is required to submit the AMR to the Secretary of State by 31 December 2010. It will be made publicly available but is not subject to consultation.

Housing Supply

- 1.5 The monitoring of housing supply is a key part of the AMR. Planning Policy Statement 3 (PPS3) requires Local Planning Authorities (LPAs) to maintain a five year rolling supply of deliverable sites and states (paragraph 71) that where this cannot be demonstrated they should consider planning applications favourably having regard to other policies and considerations in the PPS. Maintaining such a housing supply is very difficult to achieve in the current market as it requires sufficient numbers of houses to be built within each five year period. This has become problematic for many LPAs as the policy was devised at a time of housing 'boom' rather than for the current economic situation.
- 1.6 When the 2009 AMR was presented to Members on 2 November 2009, it was reported that for first time the district did not have a 5 year land supply. Since that time a number of housing developments have been permitted and several other deliverable sites have come forward. These have been fed into a comprehensive review of housing delivery which has shown that, notwithstanding some slippage on other sites, the district has, in the view of officers, returned to a 5 year housing land supply position. The district has a supply of 5.1 years for the period 2010-2015 and 5.9 years for the period 2011-2016 (see table at Appendix 1).
- 1.7 Consequently, it can be reported that paragraph 71 of PPS3 no longer applies and there is not now a housing supply reason to consider favourably applications for 10 or more dwellings (the threshold for a housing land supply case) on sites not included in the district's supply of deliverable sites. This marks the end of a period since the 2009 AMR, during which the Council has been considering applications with a view to increasing supply. This position will now be reported to the Planning Committee as any further relevant planning applications for housing are considered.
- 1.8 It should be noted that the district's housing land supply calculations are based on a working figure of 13,400 (2006-2026), the former requirement of the now revoked South East Plan. This figure will be reviewed as preparation of the LDF's Core Strategy continues, having regard to the Council's resolution of 19 July 2010, "*...to progress on the basis of meeting the locally proposed housing target originally endorsed by Councillors and included in the submission of the draft plan to the Government (11,800 to 2026)...*", but also to the Secretary of State's advice (6 July 2010) that "*...Local authorities should continue to collect and use reliable information to justify their housing supply policies and defend them during the LDF examination process...*". A sound, evidenced based approach is required.
- 1.9 At the present time, there has been no formal completed review of the district's housing target since the revocation of Regional Spatial Strategies on 6 July 2010. Therefore, at this time, it is not possible to apply a reliable and justifiable alternative to the former requirement of 13,400 in current land supply calculations. If the district's housing requirement were to fall, then the land supply calculation would produce a higher rolling supply.
- 1.10 It is considered that at the present time, continuing to use the 13,400 figure

in housing land supply calculations is the most defensible position in the absence of any formal review of the district's housing target.

Local Development Scheme / Local Development Framework

- 1.11 Significant progress has been made during the monitoring year. The Draft Core Strategy was published in February 2010 and was followed by a round of public consultation including a series of exhibitions and meetings. Separate public consultation was undertaken on a draft Supplementary Planning Document for the Canalside regeneration project between November and December 2009.
- 1.12 Continued work on the evidence base for the LDF included further work on a Strategic Flood Risk Assessment; the completion of an Affordable Housing Viability Study, a Renewable Energy / Climate Change Study, and a Landscape Sensitivity and Capacity Assessment; further work on a Strategic Housing Land Availability Assessment, a Habitat Regulations Assessment (Appropriate Assessment), a review of the 2006 PPS6 (Retail) Assessment, and a review of the 2006 Employment Land Review.
- 1.13 Further progress on the Core Strategy has been held up by the revocation of the Regional Spatial Strategy and the need for the Council to review aspects of policy formerly included in the South East Plan as well as parts of its LDF evidence base, particularly those relating to determining appropriate levels of housing growth for the plan period. Changes to the plan making process and to national planning policy are also expected as a result of the change of Government and the Local Development Scheme (programme) will be revised once the full implications of these changes are clear.

Proposals

- 1.14 It is proposed that the Annual Monitoring Report be approved and the change in the district's housing land supply position be noted.

Conclusion

- 1.15 The Annual Monitoring Report provides important information to assist policy making and development control decision making and is a statutory mechanism for monitoring housing delivery. It's most significant conclusion is that the district has returned to a 5 year land supply position, marking the end of a period during which the Council has been considering planning applications with a view to increasing supply. The AMR notes that significant progress has been made on the Local Development Framework. However, the revocation of Regional Spatial Strategies has created some additional areas of work. The programme for completing the LDF will be revised once there is more information available about anticipated changes to local plan-making and to national planning policy.

Background Information

2.1 The AMR's key findings include the following:

Business Development and Town Centres

- 44,692m² (gross) of business development (offices, industry, or storage and distribution) was completed in Cherwell during 2009-10 (26,691m² net)
- 1.42ha of employment land has been lost to other uses
- 26,415m² (gross) of 'town centre uses' (shops, financial and professional services, offices and leisure) was completed in Banbury, Bicester and Kidlington centres, with 62,770m² (gross) completed across the district

Housing

- the district has returned to a five year rolling supply of deliverable sites with a 5.1 supply for 10/11 (2010 to 2015) and a 5.9 supply for 11/12 (2011-2016)
- there were 438 net housing completions in 09/10 (484 gross) and the total number of housing completions since 2006 is 2172
- housing completions in 10/11 are expected to be very low at about 172 dwellings, due to recent economic conditions and a time-lag effect in housebuilding
- work has started on the development of the district's next strategic housing site at South West Bicester. Housing completions are expected to rise again in 11/12 as homes begin to be built on that site and others recently permitted
- the total existing housing land supply from known deliverable and developable sites (2010-2026) is estimated to be 6289. This makes no allowance for other emerging LDF sites or small, unidentified windfall sites
- net affordable housing completions in 09/10 were 97, (199 gross including acquisitions)

Other Areas

- there have been no planning applications granted contrary to Environment Agency advice on flooding or water quality grounds
 - there has been a net loss of the area of Local Wildlife Sites in the district (formerly County Wildlife Sites) due to some areas being deselected, but an increase in the area of Sites of Special Scientific Interest (SSSI) with a new site (Ardley Trackways) having been designated
 - there has been an increase in the 'priority species' present within Cherwell and an increase in the 'priority habitat' area. Priority species and habitats are derived from the UK Biodiversity Action Plan and are a priority for biodiversity and conservation action
 - 5 renewable energy schemes have been permitted in 2009-10, a decrease from 13 schemes in 2008-9
 - 65% of applicable schemes recorded as complete during 2009-10 exceeded the maximum car parking standards.
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Key Issues for Consideration/Reasons for Decision and Options

- 3.1 The key issues for consideration are the need to approve the Annual Monitoring Report to meet statutory requirements and to note the positive change in the district's housing land supply position.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

- Option One** To accept the 2010 AMR, noting the district's housing land supply position and agree that it should be submitted to the Secretary of State.
- Option Two** To seek amendment of the 2010 AMR in consultation with the Portfolio Holder for Planning and Housing before submission to the Secretary of State.
- Option Three** To take any actions required by the Executive having considered the AMR, in addition to its submission to the Secretary of State with or without amendment.

Consultations

Portfolio Holder for Planning and Housing (Cllr Michael Gibbard) Informal briefing noted

Implications

Financial: No significant direct financial implications arising from this report. The work on collecting data and preparing the AMR is met within existing budgets. There are risks of costs associated with unsuccessfully defending refusals of planning permission upon appeal particularly if the decisions made as a result of this report are not considered to be well founded.

Comments checked by Eric Meadows, Service Accountant, 01295 221551

Legal: The Council is required by regulations to submit an Annual Monitoring Report by 31st December each year. The district's housing land supply position and the requirements of Planning Policy Statement 3: Housing (PPS3) will often be material considerations in determining planning applications for residential development. The reasons for the refusal of planning permission need to be reasonable and capable of being substantiated upon challenge.

Comments checked by Nigel Bell, Solicitor, 01295 221687

Risk Management: The AMR provides information that could be material in refusal of planning permission for planning applications, particularly for residential developments that are contrary to policy. The AMR must be robust to reduce the risk of the Council being unsuccessful in defending planning appeals and the associated risk of costs being awarded against the Council.

Comments checked by Rosemary Watts, Risk Management and Insurance Officer, 01295 221566

Equalities There are no equality issues arising from this report.

Comments checked by Caroline French, Equalities and Diversity Officer, 01295 221856

Wards Affected

All

Corporate Plan Strategic Priorities

A District of Opportunity

Executive Portfolio

Councillor Michael Gibbard
Portfolio Holder for Planning and Housing

Document Information

Appendix No	Title
Appendix 1	Cherwell District Council Housing Land Supply Position (October 2010)
Background Papers	
Annual Monitoring Report 2010 (draft)	
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