

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 August 2017

AUTHOR/S: Joint Director for Planning and Economic Development

Application Number:	S/0746/15/OL
Parish(es):	Whittlesford
Proposal:	Redevelopment of site for residential use (outline application, all matters reserved)
Site address:	Lion Works, Station Road East, Whittlesford.
Applicant(s):	Mr D Milne, Rivertree Developments Ltd.
Recommendation:	Delegated Approval
Key material considerations:	<p>The key considerations are whether the proposed development would provide a suitable site for housing, having regard to housing land supply, the principles of sustainable development, scale of development and impact on townscape and landscape character, contamination issues, site viability, services and facilities, access and transport.</p> <p>All of these matters were considered in the report presented to Planning Committee in March 2017, when Members resolved to grant planning permission. This report focusses on the implications of the Supreme Court judgement relating to the extent of Local Plan policies which are considered to affect the supply of housing.</p>
Committee Site Visit:	31 May, 2016
Departure Application:	Yes
Presenting Officer:	Graham Nourse, Planning Team Leader
Application brought to Committee because:	To consider the implications of the <i>Hopkins Homes</i> Supreme Court judgement relating to the extent of Local Plan policies which are considered to affect the supply of housing.
Date by which decision due:	30 June 2017 (extension of time)

Introduction

1. This application was considered at 6 July 2016 meeting of the Planning Committee. The Committee resolved to approve the application subject to the

conditions set out in the report and the completion of a section 106 legal agreement reflecting the contributions set out in the appendices and a provision for the review of the potential viability of affordable housing as required to make the development acceptable in planning terms. The application remains undetermined pending the completion of the section 106 agreement. A copy of that and an update report are appended to this report.

2. On 10 May 2017, the Supreme Court gave judgment in *Suffolk Coastal DC v Hopkins Homes Limited* and in the conjoined matter of *Richborough Estates Partnership LLP v Cheshire East BC* [2017] UKSC 37.
3. The Supreme Court Judgement narrows the range of development plan policies which can be considered as 'relevant policies for the supply of housing'. Those policies are now not to be considered out of date, even when a five-year housing land supply cannot be demonstrated.
4. In respect of South Cambridgeshire this means that the Local Development Framework Policies that were listed as being out of date at the time when this application was considered are no longer held to be out of date.
5. On 30 June 2017, the Court of Appeal issued a further judgement in *Barwood Strategic Land v East Staffordshire Borough Council*. The Court held that the "presumption of sustainable development" within the National Planning Policy Framework (NPPF) falls to be determined in accordance with paragraph 14 and there was not any wider concept of a presumption of sustainable development beyond that set out in and through the operation of, paragraph 14. Paragraph 14 of the NPPF has been applied in this supplementary report with the approach of the Supreme Court in *Suffolk Coastal* and it is not considered that the *Barwood Land* decision requires any further changes to the advice set out above.
6. The overriding issue however is not whether the policies are out of date but whether, in light of the continuing lack of a five year housing land supply, it can be shown that the "adverse impacts ... would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole". That is the test required by paragraph 14 of the NPPF, regardless of whether policies are 'out of date' or not. This test should be given considerable weight in the decision making process even though the definition of policies affecting the supply of housing has been narrowed by the Supreme Court judgement. Given the need to boost the supply of housing, the contribution of the proposal to the supply of housing (including affordable housing) is considered to outweigh the conflict with the policies of the LDF.
7. This report considers the officer advice given to Members at the July 2016 meeting in relation to the policies relating to the supply of housing and the extent to which this has changed as a result of the Supreme Court decision.

Planning Assessment

8. The Council accepts that it cannot currently demonstrate a five year housing land supply in the district as required by the NPPF, having a 4.1 year supply using the methodology identified by the Inspector in the Waterbeach appeals in 2014. This shortfall is based on an objectively assessed housing need of 19,500 homes for the period 2011 to 2031 (as identified in the Strategic

Housing Market Assessment 2013 and updated by the latest update undertaken for the Council in November 2015 as part of the evidence responding to the Local Plan Inspectors' preliminary conclusions) and latest assessment of housing delivery (in the housing trajectory March 2017). In these circumstances any adopted or emerging policy which can be considered to restrict the supply of housing land is considered 'out of date' in respect of paragraph 49 of the NPPF.

9. The effect of the Supreme Court's judgement is that policies DP/1(a) and ST/6 are no longer to be considered as "relevant policies for the supply of housing". They are therefore not "out of date" by reason of paragraph 49 of the NPPF. None of these adopted policies are "housing supply policies" nor are they policies by which "acceptable housing sites are to be identified". Rather, together, these policies seek to direct development to sustainable locations. The various dimensions of sustainable development are set out in the NPPF at para 7. It is considered that policies DP/1(a) and ST/6 and their objectives, both individually and collectively, of securing sustainable development], accord with and furthers the social and environmental dimensions of sustainable development, and therefore accord with the Framework.
10. Any conflict with adopted policies DP/1(a) and ST/6 is still capable of giving rise to an adverse effect which significantly and demonstrably outweighs the benefit in terms of housing delivery of the proposed development in terms of a residential-led development cannot simply be put to one side. Nonetheless, the NPPF places very considerable weight on the need to boost the supply of housing, including affordable housing, particularly in the absence of a five year housing land supply. As such, although any conflict with adopted policies DP/1(a) and ST/6 is still capable, in principle, of giving rise to an adverse effect which significantly and demonstrably outweighs the benefit of the proposed development, any such conflict needs to be weighed against the importance of increasing the delivery of housing, particularly in the absence currently of a five year housing land supply.
11. A balancing exercise therefore needs to be carried out. It is only when the conflict with other development plan policies – including where engaged policies DP/1(a) and ST/6 which seek to direct development to the most sustainable locations – is so great in the context of a particular application such as to significantly and demonstrably outweigh" the benefit in terms of the delivery of new homes that planning permission should be refused.
12. Although this proposal exceeds the scale of development normally considered acceptable within a group village, it would lead the provision of 60 dwellings and the sustainable recycling of a brownfield site with good accessibility to public transport. This is a significant benefit of the location. In addition, the scheme would remove the existing scrapyards and improve the amenity of the local area and further improve the community facilities within the village, enhancing social and environmental sustainability of the scheme and the overall sustainability of Whittlesford. Access to services and facilities within the village is also considered to be adequate. The weight that can therefore be attached to the conflict with policies DP/1(a) which is intended to ensure that development is directed to the most sustainable locations in the district is limited.

13. Policies HG/1 (Housing Density), HG/2 (Housing Mix) and GB/3 (Mitigating the Impact of Development on the Green Belt) were all policies that were previously considered to be relevant policies for the supply of housing. That is no longer the case. However, no conflict was identified with any of these policies and thus none of them require a reassessment in terms of any harm that might arise.
14. It is considered that the scheme includes positive elements which demonstrate that as a whole the scheme achieves the definition of sustainable development. These include:
 - the positive contribution of up to 60 dwellings towards the housing land supply in the district based on the objectively assessed need for 19,500 dwellings and the method of calculation and buffer identified by the Waterbeach Inspector.
 - sustainable recycling of a brownfield site and removal of an existing scrapyards leading to improvements to the amenity of the local area.
 - public open space on the site and commuted sums towards open space and community facilities in the village.
 - The provision of a contribution towards the maintenance of the community vehicle secured as part of the Grace Crescent scheme, to be operated by the Parish Council, providing an alternative to single occupancy car journey, alongside the regular bus service operating within close proximity of the site.
 - upgrading of three bus stops (shelter, flag, road markings and timetable information) and contribution towards maintenance of bus shelters.
 - potential to result in an increase in the use of local services and facilities.

Conclusion

15. Officers consider that notwithstanding the conflict with policies DP/1(a) and ST/6, this conflict can only be given "limited" weight.
16. The provision of up to 60 dwellings can be given significant weight. The sustainable recycling of a brownfield site and removal of an existing unneighbourly scrapyards can also be given significant weight. The contributions towards the provision infrastructure in relation to public open space, community facilities and local transport all carry weight in favour of the proposals. Employment during construction to benefit the local economy and the potential for an increase in the use of local services can also be given some limited weight.
17. None of the disbenefits arising from the proposals are considered to result in significant and demonstrable harm when balanced against the positive elements and therefore, it is considered that the proposal achieves the definition of sustainable development as set out in the NPPF.
18. Officers recommend that the Committee again resolves to grant planning permission subject to the conditions and section 106 agreement as before.
19. The following items are appended to this report:
 - a. Appendix 1 – report presented to committee on 6 July 2016

b. Appendix 2 – update report presented to committee on 6 July 2016

Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- National Planning Policy Framework (NPPF)
- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents
- South Cambridge Local Plan Submission 2014
- Planning File References S/0746/15/OL

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