SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Planning Committee	2 August 2017
AUTHOR/S:	Joint Director for Planning and Economic Development	

Application Number:	S/2647/15/OL
Parish(es):	Papworth Everard
Proposal:	Outline planning permission (with all matters reserved except access and strategic landscaping) for up to 215 dwellings, including affordable housing, and land reserved for nursery use (Use Class D1), open space including strategic landscaping, play areas, sustainable drainage features and associated infrastructure including foul sewerage pumping stations.
Site address:	Land to East of Old Pinewood Way and Ridgeway, Papworth Everard
Applicant(s):	Bloor Homes Eastern
Recommendation:	Delegated approval subject to a S106 agreement
Key material considerations:	Principle, sustainability, design, density and housing mix, biodiversity, landscape impact, flooding and drainage, transport and traffic, need for section 106 contributions All of these matters were considered in the report presented to Planning Committee on 2 November 2016, 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 that are considered to affect the supply of housing.
Committee Site Visit:	1 November 2016
Departure Application:	Yes
Presenting Officer:	James Stone, Principal Planning Officer
Application brought to Committee because:	To consider the implications of the *Hopkins Homes S*upreme Court judgement relating to the extent of Local Plan policies which are considered to affect the supply of housing.

Date by which decision due: 9 August 2017

Introduction

1. This application was considered at the 2 November 2016 meeting of the Planning Committee. The Committee resolved to approve the application and gave officers delegated powers to approve the application subject to:

    (a) The prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 securing the obligations referred to in the Heads of Terms attached as an Appendix to the report from the Head of Development Management; and
    (b) The Conditions and Informatives set out in the report.

2. The application remains undetermined pending the completion of the section 106 agreement. A copy of the original committee report (and an amended list of draft conditions and informatives and Head of Terms) are appended to this report.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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, paragraph 14 is considered to outweigh the conflict with the policies of the LDF.

8. This report considers the officer advice given to Members at the 2 November 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

9. 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.

10. The effect of the Supreme Court's judgement is that policies DP/1(a), DP/7 and ST/5 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 which are set out in the NPPF at para 7.

11. Any conflict with adopted policies DP/1(a), DP/7 and ST/5 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), DP/7 and ST/5 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.

12. 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), DP/7 and ST/5 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.

13. Although this proposal is located outside the development framework of a Minor Rural Centre, accessibility to public transport from the site is considered to be a significant benefit of the location. In addition, the scheme would further improve the community facilities within the village, enhancing social sustainability of the scheme and the overall sustainability of Papworth. 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) and DP/7 which are intended to ensure that development is directed to the most sustainable locations in the district is limited.

14. Policies HG/1 (Housing Density), HG/2 (Housing Mix), NE/6 (Biodiversity), NE/17 (Protecting High Quality Agricultural Land) and CH/2 (Archaeological Sites) were all policies that were previously considered to be relevant policies for the supply of housing. That is no longer the case. However, the only (insignificant) conflict that was identified with any of these policies was in respect of the loss of grade 3b agricultural land and none of these policies require a reassessment in terms of any harm that might arise.

15. 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 215 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;
    - the provision of 86 affordable dwellings on site, making a significant contribution to the identified need in Papworth and the wider District. As of May 2016 there were 55 people within the village of Papworth on the Housing Register, a figure that had increased by 3 since 2015;
    - 5% of the dwellings provided will be bungalows to help meet a social need in the area. Of the 11 bungalows 5 will be market dwellings and 6 will be affordable housing;

- significant public open space, including a Local Equipped Area of Play and a combined Local and Neighbourhood Equipped Area of Play;
- Provision of 0.9ha of land to extend Papworth Wood to deliver addition publically accessible open space and help manage visitor pressure on the SSSI;
- Funding for 2 additional bus services;
- Provision of a 6 month free bus pass per dwelling to boost the use of sustainable modes of transport;
- Provision of land on site capable for use for early years education;
- Funding for an extension to Pendragon Primary School;
- Upgrades to public footpaths including the provision of lighting at Footpath number 4 which connects the south western corner of the site with the centre of Papworth;
- Funding towards extension or remodelling of Papworth Surgery;
- Funding towards the construction of cycle link between Papworth and Cambourne

Conclusion

16. Officers consider that notwithstanding the conflict with policies DP/1(a), DP/7 and ST/5, this conflict can only be given "limited" weight. There is some limited landscape harm which weighs against the proposals. The loss of grade 3b agricultural land also carries limited weight against the proposal.

17. The provision of 215 dwellings, including 86 affordable dwellings can be given significant weight. The contributions towards the provision of infrastructure in relation to public open space, the extension of Papworth Wood, education/health facilities, public transport and public footpaths all carry moderate to significant weight in favour of the proposals. The increase use of local services and employment during construction to benefit the local economy can also be given some limited weight.

18. 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.

19. Officers recommend that the Committee again resolves to grant planning permission subject to the conditions and section 106 agreement as before.

Recommendation

20. Officers recommend that the Committee grants planning permission, with delegated powers subject to the following:

    (a) Section 106 Agreement to cover the items including trigger point as set out in appendix 2.
    (b) Draft set of conditions and informatives provided in appendix 3.

21. The following items are appended to this report:

    a. Appendix 1 – report presented to committee in September 2016
    b. Appendix 2 – Section 106 matrix
    c. Appendix 3 – Draft set of conditions and informatives

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.

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
- South Cambridgeshire Local Plan Submission 2014

- Planning File Ref: S/2647/15/0L

Report Author: James Stone Principal Planning Officer
Telephone Number: (01954) 712904

This page is left blank intentionally.