

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 August 2017

AUTHOR/S: Joint Director for Planning and Economic Development

Application Number: S/2047/16/FL

Parish(es): Caldecote

Proposal: Demolition of existing buildings, and erection of residential development to provide up 71 no. dwellings including 28 no. affordable dwellings, with associated vehicle and pedestrian accesses and open space, and a car park for school/community use.

Site address: Land r/o 18-28 Highfields Road, 18 , Highfields Road, Highfields Caldecote, CB23 7NX

Applicant(s): CALA Homes (North Home Counties) Ltd

Recommendation: Delegated approval (subject to complete section 106 agreement)

Key material considerations: Five year supply of housing land, Principle of development, Sustainability of the location, Density of development and affordable housing
Character of the village and impact to street scene
Highway safety, Residential amenity of neighbouring properties, Surface water and foul water drainage
Ecology, Provision of formal and informal open space
Section 106 Contributions, Cumulative Impact

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.

Committee Site Visit: 9 May 2017

Departure Application: Yes (advertised 23 August 2016)

Presenting Officer: Rebecca Ward, Senior Planning Officer

Application brought to Committee because: To consider the implications of the *Hopkins Homes* 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: 1 February 2017 (Extension of time agreed)

Introduction

1. This application was considered at the 10 May 2017 meeting of the Planning Committee. The Committee resolved to approve the application subject to the prior completion of a Legal Agreement, the conditions and informatives set out in appendix 3, additional conditions to control hours of use of the school car park and retention of screening and an update to plan numbers to include minor amendments to roads and footpaths. The application remains undetermined pending the completion of the section 106 agreement. A copy of that 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 issues 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 May 2017 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.
8. An additional consideration is the implications of the recent appeal decision relating to the scheme for up to 140 dwellings to land east of Highfields Road,

Caldecote (appeal ref: APP/W0530/W/16/3149854). This decision was received on 5 July 2017.

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) 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, to secure sustainable development accord with and furthers the social and environmental dimensions of sustainable development, and therefore accord with the Framework.
11. 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.
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) 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.
13. This proposal is located inside the development framework of a group village, however, the number of units would significantly exceed the amount set within policy ST/6. The scheme would improve the community facilities within the village, enhancing social sustainability of the scheme and the overall

sustainability of Caldecote. However, it is recognised that the relatively limited nature of facilities in the village in terms of shopping and employment would result in reliance to travel to larger settlements. There is a bus service to the north of the village which offers regular services to these settlements. The weight that can therefore be attached to the conflict with policies DP/1(a) which are intended to ensure that development is directed to the most sustainable locations in the district is limited. This is consistent with the position taken by the Inspector determining the appeal for the 140 unit scheme on land east of Highfields Road. The decision letter for that case states that, even though the proposals conflicted with LDF policies ST/6, DP/1(a) and DP/7, 'the weight to be attached to the conflict with these policies is reduced because of the ongoing shortfall (in housing numbers.)

14. Policies DP/7 (Village Frameworks), HG/1 (Housing Density), HG/2 (Housing Mix) and NE/6 (Biodiversity), 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.
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 71 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
 - site is within the village framework boundary
 - Re-use of a part brownfield site
 - limited wider landscape harm and impact on village setting
 - the contribution of 40% affordable housing in the context of a significant level of district wide housing need
 - provision of public open space, including equipped areas of play.
 - the package of contributions to be secured through the Section 106 agreement towards the enhancement of offsite community facilities and pedestrian/cycle links
 - potential for access to public transport, services, facilities and employment
 - employment during construction to benefit the local economy
 - potential to result in an increase in the use of local services and facilities

Conclusion

16. Officers consider that notwithstanding the conflict with policies DP/1(a) and ST/6, this conflict can only be given "limited" weight. There would be limited landscape and visual harm as a result of the development given that its surrounded by existing residential dwellings, all of which are inside the village framework.
17. The provision of up to 71 dwellings, including 28 affordable dwellings can be given significant weight. The reuse of a part brownfield site, contributions towards the provision infrastructure in relation to public open space, community facilities and transport provision all carry 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.

Recommendation

19. Officers recommend that the Committee again resolves to grant planning permission subject to the conditions and section 106 agreement as before.
20. The following items are appended to this report:
 - a. Appendix 1 – report presented to committee in May 2017
 - b. Appendix 2 – Section 106 matrix appended to May committee report
 - c. Appendix 3 - List of draft 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 Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
- South Cambridgeshire Local Plan Submission 2014
- Planning File Reference: S/1027/16/OL

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