



**REPORT TO:** Planning Committee

6 June 2018

**LEAD OFFICER:** Joint Director for Planning and Economic Development

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## Five Year Housing Land Supply Update

### Purpose

1. The purpose of this report is to advise Planning Committee of the updated position in respect of five year housing land supply, which demonstrates that the Council, subject to the five applications referred to below, now has 5.0 years supply.
2. The Planning Committee is asked to note that earlier resolutions to grant planning permission in respect of 5 specific planning applications where the resolution was subject to completion of a section 106 agreement, as those applications form part of the calculations that enable the Council to demonstrate a five year housing land supply.
3. A variation to one obligation for one application is also sought.

### Recommendations

4. It is recommended that the Planning Committee:
  - (a) NOTES the Five Year Housing Land Supply Update, published 21 May 2018 (Appendix 1), as a material planning consideration in determining planning applications and in planning appeals; and
  - (b) NOTES that no change be made to the previous decisions of Planning Committee in respect of the planning applications listed below to grant planning permission subject to completion of a section 106 agreement, which remain appropriate in light of this material change in circumstances for the reasons set out in paragraph 12-17, subject to recommendation (c); namely:

S/0746/15/OL: Lion Works, Station Road West, Whittlesford Bridge [60 dwellings];  
S/3064/16/OL: south of 279 St Neots Road, Hardwick [153 dwellings]; .  
S/1032/17/FL: rear of 46-56 The Moor, Melbourn [23 dwellings]; and  
S/1524/16/OL: land west of Casa De Foseta, St Neots Road, Hardwick [6 Dwellings]
  - (c) NOTES that no change be made to the previous decisions of Planning Committee in respect of the following planning applications listed below to grant planning permission subject to completion of a section 106 agreement, which remains appropriate in light of this material change in circumstances for the reasons set out in paragraph 12-25, and in addition AGREES to delete

requirement for a contribution towards the village mobile library service, to ensure pooling restrictions are complied with.

S/3052/16/FL: land at Meldreth Road, Shepreth [25 dwellings]

### **Reasons for Recommendations**

5. The Council published a Five Year Housing Land Supply Update on 21 May 2018 that demonstrates 5.0 years supply of housing land. This is a material change in circumstances for the purposes of determining planning applications and for forthcoming planning appeals.

### **Background**

6. The Council has accepted from June 2014 until 21 May 2018 that for the purposes of making decisions on planning applications it has not been able to demonstrate a five year housing land supply.
7. In June 2014, a planning inspector considering two planning appeals in Waterbeach concluded that the Council could not demonstrate a five year supply of land, which has resulted in speculative housing development in villages. The appeal Inspector considered that when calculating the Council's five year housing land supply a 20% buffer should be applied.
8. This determination was based on the 'Sedgefield' method of calculating five-year housing land supply, the more onerous of the two nationally recognised methods of calculation. These methods relate to the way in which any shortfall in housing delivery against the annualised housing requirement since the beginning of the Local Plan period will be made up. The Sedgefield methodology requires the whole of any shortfall to be made up within the five year period. The Liverpool methodology assumes that any shortfall will be made up during the remaining years of the plan period to 2031.
9. The latest Annual Monitoring Report 2016-2017 (published in December 2017 Link given in Background papers) includes the Council's housing trajectory and associated five year supply calculations. It reports that the Council could demonstrate a 4.5 year housing land supply for 2017-2022, and predicted a 4.8 year housing land supply for 2018-2023, based on the Sedgefield methodology of calculation and applying a 20% buffer.
10. On 1 April 2018, the current five year period for calculating housing supply changed to 2018-2023. Comparing the anticipated delivery for this period with the number of homes necessary to achieve a five year supply, there is a shortfall of 288 dwellings. This means that if the Council could identify delivery of an additional 288 dwellings in the period 2018-2023 in addition to that anticipated in the housing trajectory in the Annual Monitoring Report 2016-2017, it would be able to demonstrate a five year housing land supply.
11. Officers have been keeping the situation under close review. Officers have previously advised Planning Committee that if there were a material change in

circumstances that meant that a five year housing land supply could be demonstrated, that this would be reported to Planning Committee.

### **Considerations**

12. Officers have been monitoring on a monthly basis any additional housing supply not taken into account in the latest published housing trajectory. This comprises 'five year supply' sites (as at 10 May 2018) additional to those already accounted for in the housing trajectory that have:
  - (a) been approved by planning committee;
  - (b) been granted under delegated powers;
  - (c) been allowed on appeal; or
  - (d) a resolution to grant planning permission by planning committee or by officers under delegated powers, subject to the completion of a section 106 agreement.
13. The publication of an appeal decision in respect of Land north east of Rampton Road, Cottenham on 10 May, resulted in an additional 154 houses with planning permission being added to current supply. This triggered a review of the situation and preparation of the Five Year Housing Land Supply Update (at Appendix 1) which identifies the additional sources of supply since the latest published housing trajectory and recalculates the five year housing land supply. The updated calculation demonstrates a supply of 5.0 years for the purposes of determining planning applications and for forthcoming planning appeals.
14. The Update identifies an additional 505 dwellings with planning permission or resolution to grant planning permission since the published trajectory (including the 154 dwellings in the recent Cottenham appeal). However, a health check of the assumptions included in the published trajectory identified that part of the Dales Manor Industrial Estate housing allocation in Sawston is now being developed for employment and the 150 homes assumed in the housing trajectory for the current five year period (2018-2023) have been removed from the calculation pending a review in the next full housing trajectory whether any part of the allocation can now be relied on to come forward. It is assumed that the submitted Local Plan strategic site allocations are able to contribute towards housing delivery in this 5-year monitoring period, including 300 completions at Waterbeach and 160 completions at Bourn Airfield new settlements.
15. There is therefore an additional 355 dwellings supply in the current five year period compared with the published trajectory. When compared with the shortfall of 288 dwellings in the published trajectory, there is now a net surplus of 67 dwellings. The updated five year supply calculation identifies a 5.0 year supply.
16. Included within these calculations resolved to grant planning permission subject to the conclusion of an appropriate Section 106 agreement (S106), and where a lack of five year supply was a material consideration in the relevant resolution, and where the S106 is still to be completed. These are:
  - S/0746/15/OL: Lion Works, Station Road West, Whittlesford Bridge [60 dwellings];

- S/3064/16/OL: south of 279 St Neots Road, Hardwick [153 dwellings];
- S1032/17/FL: rear of 46-56 The Moor, Melbourn [23 dwellings];
- S/1524/16/OL: land west of Casa De Foseta, St Neots Road, Hardwick [6 dwellings]
- S/3052/16/FL: land at Meldreth Road, Shepreth [25 dwellings].

17. Each of these sites is counted in the calculation and have contributed to securing the current 5.0 year supply. The Council has in the past had regard generally to sites that are the subject of a resolution to grant planning permission as contributing to its housing land supply. Without the above sites being included in the supply calculation, the housing land supply would fall back below its current level and would be likely to fall below 5.0 years. If that were to occur, the applications for new houses in the District would be required again to be determined on the basis of the “tilted balance”, as has been the case for several years up until now. Thus, although the Council is now able to demonstrate, going forward, a five year housing land supply, the ability of the Council to do so arises, in part, on the basis of the contribution to supply made by the above sites, which are already the subject of a resolution to grant planning permission. Given that the Council is reliant on the resolutions in respect of the above sites to demonstrate its five year housing land supply, it would be illogical and give rise to unreasonably circularity were those resolutions now to be revisited or reversed in light of a level of five year housing land supply which is dependent upon them. As such, that a five year housing land supply can now be demonstrated going forward is not considered to be a material consideration which requires or justified those resolutions being revisited. The Committee is asked to note also that there is also one application considered under delegated powers where a S106 is outstanding and where officers will also need to confirm the earlier delegated decision (Firs Farm, St Peters Street, Caxton -8 dwellings –S/2294/16/OL). The same approach is adopted in respect of that decision.
18. In respect of one of these applications where a S106 agreement is outstanding, there is an additional and unrelated issue for Committee’s consideration. As part of its consultation response on application S/3052/16/FL: land at Meldreth Road, Shepreth, the Cambridgeshire County Council Growth Team requested a contribution of £1,533.00 to improve the provision of library services. This was specifically towards the replacement of the existing mobile library on the route that serves Shepreth. The monies were to be secured by way of a pooled contribution.
19. The securing of this sum via a section 106 agreement was considered necessary to offset any negative impacts on social sustainability arising from the development.
20. While Shepreth Parish Council had recommended refusal of the original submission, it did not raise any concerns in respect of a need for this contribution to be sought.
21. Policy DP/4 of the adopted Local Development Framework states that planning permission will only be granted for proposals that have made suitable arrangements towards the provision of infrastructure necessary to make the scheme acceptable in planning terms.
22. Regulation 122 of the Community Infrastructure Levy Regulations (CIL) states that a planning obligation may only constitute a reason for granting planning permission for the development of the obligation is:
- i) necessary to make the development acceptable in planning terms;
  - ii) directly related to the development; and,
  - iii) fairly and reasonably related in scale and kind to the development.

23. All three of these three measures are required to be met in order that any particular contribution can be lawfully secured.
24. CIL Regulation 123(3) also states that a planning obligation cannot be imposed if there has since 6 April 2010 been five or more planning obligations entered into with the authority providing for the provision or funding of the same infrastructure project or type of infrastructure.
25. During the course of completing the section 106 agreement, the County Council has confirmed that it has already received more than five pooled contributions towards the mobile library service. In these circumstances the County Council is unable to request, and the local planning authority is unable to secure, any further contributions in this regard. .
26. A number of planning appeals are currently at an advanced stage where statements have already been submitted. The Update represents a significant material change in circumstances. Officers advised the Planning Inspectorate on 21 May of the Council's updated position that it can now demonstrate a five year housing land supply and provided the update document, to ensure that all future appeal decisions have regard to this up to date figure. Any future appeals will be dealt with on the basis of the revised calculation included in the Update, unless and until such time that this is superseded by other circumstances, in particular the receipt of the Local Plan Inspectors report.

### **Options**

27. This report is principally for information which Planning Committee is being asked to note. In respect of the Shepreth application (S/3052/16/FL), Planning Committee could either agree or not agree to ensure pooling restrictions are complied with, however, if the obligation were to remain, the decision made could be challenged as not meeting the requirements of the CIL Regulations.

### **Implications**

28. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered:

#### ***Financial***

29. The S106 agreements in respect of each of the applications secure appropriate contributions towards supporting infrastructure required for the proposed development.

#### ***Legal***

30. The report was prepared in consultation with The Council's Legal Officer.

#### ***Staffing***

31. No direct implications have been identified

#### ***Equality and Diversity***

32. No direct implications have been identified

### **Consultation responses**

33. None in respect of this report as whether the Council has a 5.0 year land supply is a matter of fact. Each of the applications listed was subject of consultation and responses received were given due consideration by Planning Committee before it made a decision on each application.

### **Effect on Strategic Aims**

#### **Objective 1 – Living Well: We will support our communities to remain in good health whilst continuing to protect the natural and built environment**

The maintenance of a 5 year housing land supply will help to minimise unplanned impacts on the natural and built environment.

#### **Objective 2 – Homes for Our Future: Secure the delivery of a wide range of housing to meet the needs of existing and future communities**

34. The maintenance of a 5 year housing land supply is important to enable the provision of housing to meet the needs of existing and future communities.

#### **Objective 3 – Connected Communities: Work with partners to ensure new transport and digital infrastructure supports and strengthens communities and that our approach to growth sustains prosperity**

35. No direct effects identified

#### **Objective 4 – An Innovative and Dynamic Organisation: Adopt a more commercial and business-like approach to ensure we can continue to deliver the best possible services at the lowest possible cost**

36. No direct effects identified.

### **Background Papers**

Appendix 1

Annual Monitoring Report 2016-2017 (December 2017)  
[www.scambs.gov.uk/content/annual-monitoring-report](http://www.scambs.gov.uk/content/annual-monitoring-report)

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