



Committee and date

Central Planning Committee

16 October 2014

Development Management Report to Consider Planning Applications subject to S106 resolution having regard to the Council's published 5 years housing supply Land Supply Statement of 12th August 2014

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Summary

This report seeks Members support in respect of planning applications Central Planning Committee has previously resolved to approve where a decision has not yet been issued pending conclusion of a S106 agreement and where there may have been a change in the balance of considerations arising from the publication of the revised 5yr Housing land Supply Statement on 12th August.

Recommendation:-

Grant Permission for the applications set out in Appendix A subject to the recommendations for each item, Section 106 Legal Agreement and conditions as set out in the original reports to Central Planning Committee and as recorded in the minutes of these meetings

1.0 BACKGROUND

- 1.1 It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point decision is taken. The Council published a revised 5 year housing land supply statement on 12th August to demonstrate that, based on data up to 31st March 2014, it has a 5.5 year housing land supply.
- 1.2 A number of planning applications for residential development have been referred to this Planning Committee for consideration in recent months where the committee were advised that the Council did not at that time have a five year supply of housing land, this being the position since September 2013. The absence of a five year housing land supply was therefore one of the factors taken into consideration and affecting the weight given to Development Plan policies.
- 1.3 In cases for residential development Planning Committee has resolved to permit the application subject to a S106 legal agreement to provide for affordable housing contributions and any other measures required to make the development acceptable that could not be subject to a planning condition, these applications remain undetermined until the agreements are

signed. This report seeks members views on how the published 5year land supply affects the overall balance of considerations to ensure that at the point the S106 is completed and the decision is issued all relevant material considerations have been taken into account.

1.4 The planning applications for housing development where the 5year land supply issue was a material consideration and where there is a resolution to permit the application subject to a S106 agreement that has not been completed are included in Appendix A. In each case these are applications that the Committee will have applied the presumption in favour of sustainable development and therefore will have been considered to be sustainable having regard to the social, environmental and economic considerations set described in the NPPF.

1.5 Paragraph 14 of the NPPF states that "*At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*" For decision taking the NPPF confirms that "**For decision-taking this means:**

- **approving development proposals that accord with the development plan without delay; and**
- **where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:**
 - **any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or**
 - **specific policies in this Framework indicate development should be restricted.**"

2.0 OFFICER APPRAISAL

2.1 NPPF Paragraph 49 states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. This had been the position in Shropshire since September 2013 when the last 5 years' supply statement was published and this meant that on the housing supply point, Shropshire Councils *relevant* policies were then out of date, and so had less weight as part of the overall consideration.

2.2 For decision taking, the applications where there is a resolution to permit but the S106 agreement has not been signed are presented in Appendix A having regard to the following considerations:

- The presumption in favour of sustainable development described in paragraph 14 of the NPPF applies in any event – all the schemes presented to

committee will have been assessed first on this point having regard to the social, environmental and economic considerations;

- The NPPF aim of boosting significantly the supply of housing is a material consideration and "*housing applications should be considered in the context of the presumption in favour of sustainable development*" (NPPF paragraph 49) and this needs to be considered in relation to the positive and negative impacts of the scheme;
- Policies may be considered out of date and of limited weight for other reasons (e.g. age of a saved local plan policy and consequent inconsistency with NPPF policies) therefore simply having a 5 year land supply does not mean full weight can be given to saved housing policies or emerging SAMDev policies (the weight to these policies also being dependent on the extent of unresolved objections and degree of consistency with the NPPF);
- There is a strong likelihood of continuing under delivery against the county-wide Core Strategy target for another few years, meaning that the overall requirement at each update would be higher, even though the number of sites available will be increasing. Consequently, in the balance of considerations if more acceptable sustainable and suitable sites that are permitted impact of under-delivery is offset to a greater degree;
- Now that the SAMDev Plan has been submitted to the Secretary of State for its examination, the Plan is at an advanced stage of preparation. However, the Plan has not been through the examination stage and there are unresolved objections to elements of it (e.g. sites contributing to the housing supply), so the weight that can be attached has to be considered with care alongside the other material considerations and having regard to specific circumstances of particular planning applications.

2.2 In relation to determining planning applications outlined in Appendix A, the main issues to consider are

- whether a particular proposal is in accordance with the Development Plan,
- how it sits in relation to the emerging SAMDev Plan, and
- whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.

The fact of having a five year land supply can never be a reason in itself for refusing a planning application; it simply affects what other policy considerations are applied as set out above.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

The applications included in Appendix A were referred to committee for consideration in accordance with the Council's scheme of delegation. There is no provision in the scheme of delegation in cases where the balance of

material planning considerations may have changed for these “minded to approve” decisions to then be delegated to officers.

4.0. RELEVANT PLANNING POLICIES

Central Government Guidance:

National Planning Policy Framework 27th March 2012

National Planning Practice Guidance 6th March 2014

Shropshire Council Core Strategy and Saved Policies:

SAMDev Plan (submitted for examination)

MD Policies (submitted for examination)

Appendix A – An assessment of how the balance of considerations is affected in each case in the context of a 5yr supply of housing land. The original reports to committee and minutes of those meetings are available to view via the online planning register following the link below:

<http://planningpa.shropshire.gov.uk/online-applications/>

- 1. 13/04757/OUT Application for Outline Planning Permission (access for approval) for residential development and associated works Development Land Opposite The Crescent Nesscliffe Shrewsbury Shropshire Considered by Planning Committee on 3rd April 2014 and on the 18th September 2014 at which Members gave a resolution for approval subject to submission of reserved matters within 12 months of approval of the outline consent.**

Following this resolution the agent submitted a letter outlining that as a result of the due process involved in marketing the development, which can take up to 15 months it is not feasible to require submission of reserved matters within 12 months and are therefore requesting 2 years.

- This is considered to be a site where sustainable development can be accommodated and has been considered in some detail in the original report to committee.

- **Development Plan Considerations**

The application site is currently ‘countryside’ in planning policy terms. Nesscliffe was a Policy HS4 village in the Shrewsbury and Atcham Borough Local Plan (due to the presence of facilities including the primary school), but that policy is no longer in effect and cannot be given weight, having been replaced by Core Strategy Policies CS4 and CS5.

- **How the proposal sits in relation to the emerging SAMDev Plan,**

Further to Core Strategy Policy CS4, Nesscliffe is proposed to be identified as a Community Hub under emerging Policy MD1 of the emerging SAMDev Plan. Furthermore, the application site is proposed as a housing allocation ('Land west of Holyhead Road' for approximately 15 dwellings), within a housing guideline for the village of around 30 additional dwellings over the period to 2026. The emerging SAMDev plan and policies can be given some weight now SAMDev is on deposit although not significant weight at this stage due to the fact there remain unresolved objections to the plan. The current outline application relates to the same area of land as that proposed to be allocated, but it is noted that reference is made to the potential for up to 26 dwellings in the submitted material, rather than the 15 indicated in the emerging SAMDev Plan.

- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**

- The proposal is considered to represent a sustainable form of development and the adverse impacts of granting permission for higher housing numbers would not significantly or demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

Having regard to the Council's 5yr housing land supply position, given that the site has been considered to be sustainable, the balance of considerations rests with the objective of significantly boosting the supply of housing against the impacts of the development in this location as a site not included in the SAMDev plan. In order to promote delivery of the scheme it is proposed that the grant of outline planning permission is restricted to one year and a planning condition will be included to this effect. The officer recommendation, having regard to these factors is to therefore to maintain a recommendation for approval.

Recommendation

Recommendation:- Grant Permission subject to an additional condition to limit the permission to a period of 2 years, the conditions recommended previously and Section 106 legal agreement to secure affordable housing.