

Cherwell District Council

Executive

6 January 2020

Annual Monitoring Report 2019

Report of Assistant Director – Planning and Development

This report is public

Purpose of report

To seek approval of the Annual Monitoring Report (AMR) 2019 and to present the District's current housing land supply position. To seek approval of accompanying updates to the Local Plan's Infrastructure Delivery Plan and the Brownfield Land Register.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the 2019 Annual Monitoring Report (AMR) presented at Appendix 1.
- 1.2 To note the district's housing delivery and five year housing land supply positions (for conventional housing and for Gypsies and Travellers) at Section 5 of the AMR and the need for updating of the land supply positions should these materially change.
- 1.3 To approve the 2019 Infrastructure Delivery Plan (IDP) update presented at Appendix 2.
- 1.4 To approve the 2019 Brownfield Land Register (BLR) presented at Appendix 3.
- 1.5 To authorise the Assistant Director for Planning and Development to make any necessary minor and presentational changes to the Annual Monitoring Report, Infrastructure Delivery Plan update and Brownfield Land Register if required prior to publication.

2.0 Introduction

- 2.1 The Council has a statutory obligation to produce a planning (authorities) monitoring report. An Annual Monitoring Report (AMR) has been prepared for the period 1 April 2018 to 31 March 2019 and is presented at Appendix 1 to this report.

- 2.2 The AMR presents information on development that took place or was permitted over 2018/19 and, projecting forward, provides a comprehensive review of housing land supply as at 12 November 2019.
- 2.3 The AMR reviews progress in preparing the Council's planning policy documents and assesses whether development plan policies are being effective. It incorporates the monitoring indicators and targets from the adopted Cherwell Local Plan 2011-2031.
- 2.4 Upon approval, the information contained in the AMR will be used to inform policy making, planning consultation responses and in decision making on planning applications. The AMR would be made publicly available but is not subject to consultation. The review of the district's five year housing land supply position is regularly scrutinised through the planning application process including through planning appeals.
- 2.5 The monitoring work undertaken to prepare the Annual Monitoring Report has also informed the preparation of an updated Infrastructure Delivery Plan for the adopted Cherwell Local Plan 2011-2031 and a 2019 update to the Council's Brownfield Land Register. These are presented at Appendices 2 and 3 to this report for approval.

3.0 Report Details

Annual Monitoring Report

- 3.1 The Annual Monitoring Report's main monitoring results are presented at its section 5. Key findings are presented below.

Housing Delivery

- 3.2 The AMR's key findings for housing delivery include:
- i. a total of 1,489 (net) housing completions were recorded in 2018/19. This is higher than the previous highest recorded completion figure during 2015/16 (1,425 dwellings), and exceeds the annualised Local Plan requirement of 1,142 per annum;
 - ii. at 31 March 2019 there were a total of 6,722 dwellings with planning permission but which have not yet been built;
 - iii. the projected supply for all deliverable sites is 7,096 homes for the five year period 2019-2024 and 6,573 for 2020-2025.
 - iv. there were 507 net affordable housing completions during 2018/19.

Five Year Housing Land Supply

- 3.3 The five year housing land supply is the calculation of how many homes are expected to be built in Cherwell on 'deliverable' sites compared to the district's housing Local Plan requirement over a rolling five year period. It must take into account any shortfalls or surplus in delivery and include an additional, prescribed 'buffer'. The monitoring of housing land supply is a key part of the AMR.

- 3.4 The revised National Planning Policy Framework (NPPF, 2019) and Planning Policy Guidance provide updated guidance on assessing the five year supply including the need for an evidential approach for the delivery of 'sites' (typically sites of 10 or more homes).
- 3.5 The NPPF requires (at paragraph 73) local planning authorities to:
- '...identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:*
- a) *5% to ensure choice and competition in the market for land; or*
 - b) *10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or*
 - c) *20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.'*
- 3.6 Within its glossary the NPPF states:
- '...Sites which do not involve major development and have planning permission, and all sites with planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years.... Where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.'*
- 3.7 Paragraph 11(d) of the NPPF tilts the decision making balance towards granting planning permission for development (subject to other considerations) where Development Plan policies are out-of-date. This includes where a five year supply of deliverable housing sites cannot be demonstrated.
- 3.8 The adopted Cherwell Local Plan 2011-2031 and the NPPF seek to ensure that a five year supply is maintained. However, in Oxfordshire, the commitments under the Housing and Growth Deal agreed with Government, to deliver growth and prepare a countywide joint spatial plan (the Oxfordshire Plan 2050), has resulted in a housing land supply flexibility being granted to the Oxfordshire Local Planning Authorities. This means that whilst the Oxfordshire Plan is being produced, there is, on a temporary basis, only a need to demonstrate a three year housing land supply.
- 3.9 The Written Ministerial Statement (HCWS955) of 12 September 2018 states:

'As part of the Housing Deal, Oxfordshire sought flexibility from the National Planning Policy Framework policy on maintaining a 5 year housing land supply. This policy supports the delivery of housing by ensuring sufficient land is coming forward to meet housing need. However, we recognise the ambitious plans in Oxford to deliver above their housing need in the long term. The Government wants to support this strategic approach to supporting housing delivery through joint working. We have therefore agreed to provide a short term flexibility which will support the delivery of the local plans for the area and ensure that the local authorities can focus their efforts on their Joint Spatial Strategy. The Government recognises that in the short term this will result in fewer permissions being granted under paragraph 11 of the National Planning Policy Framework but the Government believes that it is important to support these ambitious plans that will deliver more housing in the longer term.'

- 3.10 A comprehensive review of housing land supply has been undertaken for this 2019 AMR taking into account the changes to national policy and guidance. The review is supported by consultation with developers and site promoters who were asked additional questions in relation to anticipated rates of housing delivery, information on the number of housebuilders involved and progress made on planning applications.
- 3.11 The Housing Delivery Monitor (Appendix 2 of the AMR) records the outcome of these consultations and includes a full review of deliverability. The AMR includes consideration of build-out rates being experienced on key strategic sites within the district and lead-in times for implementation. Consultations have been undertaken with the Council's Development Management officers and other Council services.
- 3.12 The review informs the five year housing land supply calculation set out in section 5 of the AMR. This shows that the district presently has a 4.6 year supply of deliverable sites for 2019-2024 and 4.4 years for the period 2020-2025 (the latter being effective from 1 April 2020).
- 3.13 It should be noted that the district's five year land supply calculation has to take account of a pre-existing 'shortfall' in delivery (i.e. the identified housing need for the 2011-15 period before the Local Plan). This makes maintaining a five year supply more challenging until the 'shortfall' is made up.
- 3.14 Nevertheless, since adoption of the Local Plan in 2015, housing delivery in Cherwell has undoubtedly been high and progress has made in making up that retrospective shortfall. In comparison to the Local Plan requirement of 1142 homes per year, delivery has been as follows:
- 2015/16 – 1425
2016/17 – 1102
2017/18 – 1387
2018/19 – 1489.
- 3.15 As delivery has been good, only a 5% buffer (rather than 20%) needs to be included in the housing land supply calculation.
- 3.16 It is also clear from the AMR that the Local Plan sites continue to be brought forward with most under construction. Development is either at an advanced stage or is advancing in Banbury at Longford Park; East of Southam Road; North of

Hanwell Fields; West of Warwick Road; West of Bretch Hill; and East and West of Bloxham Road. At Bicester, Kingsmere is well advanced and North West Bicester and Graven Hill are advancing. Former RAF Upper Heyford is continuing and a significant number of sites have either been built or are progressing elsewhere in the district. Other sites such as South East Bicester are progressing through the planning system. The planned growth is being delivered.

- 3.16 What has changed, and led to the 'dip' under five years, is mainly the projections for site delivery in the current circumstances and the expected rate of that delivery.
- 3.17 There are a number of key strategic sites with complex issues and sometimes involving protracted discussions with a number of stakeholders. Examples include North West Bicester, Former RAF Upper Heyford; South East Bicester and South of Salt Way (East of Bloxham Road), Banbury. This, together with market factors and the intentions of individual developers, affects the year on year projections for housing delivery. In other cases, there is not quite yet the necessary evidence to rely upon a site as being 'deliverable' (for example, Gavray Drive, Bicester). Circumstances may change in the near future however and the land supply position will need to be kept under review.
- 3.18 Under the revised NPPF and Planning Practice Guidance, Local Planning Authorities now have the option of confirming their five year land supply position through an 'annual position statement'. To do so, they must advise the Planning Inspectorate of their intention to do so by 1 April each year. The logic of the annual position statement is to provide more certainty on an authority's housing land supply position and reduce the burden and delay caused by planning appeals. However, a 10% buffer must be applied thereby increasing the supply that must be provided for. An engagement process with developers, including on the results of the land supply assessment for sites, must also be undertaken. The local planning authority can then submit its annual position statement to the Planning Inspectorate for review by 31 July of the same year.
- 3.19 The Planning Inspectorate would then assess the annual position statement in terms of process and evidence having particular regard to any sites where the delivery assumptions are disputed by developers. Provided the correct process has been followed and sufficient information has been provided about any disputed sites, the Planning Inspectorate would issue its recommendation in October of the same year, confirming, if appropriate, a 'fixed' housing land supply until the following October.
- 3.20 Officers consider that it is not necessary for the Council to follow the 'annual position statement' route to confirming land supply at this time but this will be kept under review. A housing land supply position of 4.6 (2019-24) or 4.4 (2020-25) years is still significantly over the three year ministerial flexibility provided as a result of the Growth Deal.
- 3.21 The Written Ministerial Statement is a material consideration in planning decisions and has been relied upon by Planning Inspectors in South Oxfordshire is dismissing two planning appeals (APP/Q3115/W/18/3200335 – 40 homes at Watlington Road, Lewknor; APP/Q3115/W/17/3188694 – 54 homes at Crowell Road, Chinnor).

- 3.22 Whilst the district's five year position should be expected to be considered in decision making, the purpose of the ministerial statement and the weight that can be given to the Minister's three year requirement, is clear and tested.

Travelling Communities

- 3.23 The AMR includes five year land supply assessments for Gypsies and Travellers and Travelling Showpeople based on two scenarios: first, existing Local Plan requirements; and second, a subsequent Accommodation Assessment (June 2017) which takes into account revised national planning definitions of travellers.
- 3.24 Under existing Local Plan requirements (Policy BSC6) for 19 new pitches (2012-2031), the five year supply for Gypsy and Traveller accommodation is 1.7 years. This takes into account permission for 10 new pitches approved during 2019/20 which are likely to be delivered in the next five year period.
- 3.25 For Travelling Showpeople and a Local Plan requirement (Policy BSC6) of 24 new plots (2012-2031), the five year supply conclusion is 0.0 (zero) years. Presently, there are no identified deliverable sites for travelling showpeople.
- 3.26 Under the revised national planning definitions (those demonstrably still travelling), a significantly lower level of need is identified for Gypsies and Travellers: 7 pitches from 2017-2032. However, additionally there is a potential need from 8 households arising from the closure of the Smiths (Newlands) Caravan Park near Bloxham.
- 3.28 The AMR's second five year supply calculation for Gypsies and Travellers is therefore based on a need for 15 pitches from 2017 to 2032 (7 plus 8). Having regard to the projected supply of 10 pitches, this produces a five year land supply of 4.2 years for 2019-2024, and 3.8 years for 2020-2025 (commencing 1 April 2020). Under this calculation, a supply of 2 pitches would be sufficient to secure a 5 year supply for 2019-2024 and 3 pitches for 2020-2025.
- 3.31 An appeal decision for 6 pitches at Widnell Lane, Piddington (Appeal ref: APP/C3105/W/18/3209349) was recently allowed by the Inspector. The Inspector acknowledged the two separate calculations and recognised that there was still a shortfall for meeting the identified needs. The supply arising from the appeal decision has been taken into account.
- 3.32 For Travelling Showpeople, the more recent Accommodation Assessment identifies a known need for 12 plots from 2017-2032. At present, the five year supply remains at zero pending the identification of new supply. To secure a five year supply, 6 plots would be needed for both periods of 2019-24 and 2020-2025.
- 3.33 In the absence of identified deliverable supply to meet the needs of the Travelling Communities, policy BSC6 of the adopted Local Plan has a criteria based policy for considering sites promoted through planning applications. Specific sites would need to be identified to meet identified needs in the next Local Plan review.

Policy Villages 2 – Distributing Growth across the Rural Areas

- 3.34 Policy Villages 2 of the Cherwell Local Plan Part 1 states that '*A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more*

dwellings as at 31 March 2014’. The policy notes that sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plan where applicable, and through the determination of applications for planning permission. Policy Villages 2 then sets out a list of criteria for identifying and considering sites.

- 3.35 Policy Villages 2 has been one of the main matters discussed at recent planning appeals for Land at Merton Road, Ambrosden (18/02056/OUT); Land at Tappers Farm, Bodicote (18/00792/OUT); and Land North of Shortlands and South of High Rock, Sibford Ferris (18/01894/OUT). These have all been allowed on appeal by Inspectors. The cases at Ambrosden and Sibford Ferris are under legal review.
- 3.36 Good progress has been made towards achieving the requirement of Policy Villages 2. At 31 March 2019 there had been a total of 271 housing completions with 103 completed during 2018/19. An additional 649 homes are presently expected to be built, resulting in a total of 920 homes. This is 170 homes more than the policy requirement. How the 750 dwelling requirement is considered in planning appeals is one of the matters under legal review in the Ambrosden and Sibford cases.

Employment

- 3.37 The AMR’s key findings on employment generating development include:
- the district has seen a considerable gain in employment floorspace with over 100,000 sq.m. completed during 2018/19, which is similar level to the high return in 2016/17 (103,000 sq.m);
 - at 31 March 2019 there was over 392,000 sq.m. (net) of employment floorspace with planning permission that has yet to be built;
 - There is planning permission in place for 184 ha of land on allocations.
 - There are 81 ha of remaining allocated employment land yet to receive planning permission.
 - overall only 0.29 hectares of employment land (net) was lost to non-employment uses during 2018/19.

Natural Environment

- 3.38 The AMR’s key findings for the natural environment for 2018/19 include:
- seven planning applications were granted permission contrary to the Environment Agency’s advice on flood risk grounds. No permissions were granted contrary to a water quality objection;
 - six planning permissions were granted for renewable energy schemes with one for ground source heat pump and four for solar photovoltaics (PVs);
 - there has been an increase of 12 hectares in the total area of priority habitats recorded within Cherwell but a very slight decrease to the number of priority species listed in the district (decrease of 1).

Local Development Scheme

- 3.39 The AMR reports on progress in preparing the Council’s planning policy documents as set out in its Local Development Scheme (LDS). The Examination Hearings for

the Partial Review of the Local Plan (Oxford's Unmet Housing Needs) were held between 5 and 13 February 2019. Following the Hearings and the Inspector's Post-Hearings Advice Note (July 2019), the Council prepared a schedule of proposed Main Modifications. The consultation period on the modifications ended on 20 December. The Cherwell Residential Design Guide SPD was adopted by the Council on 16 July 2018. Work on the Banbury Canalside Development Area SPD and Community Infrastructure Levy (CIL) have been delayed but will be recommenced in 2020.

Neighbourhood Planning

- 3.40 The AMR provides the updated position on Neighbourhood Planning in Cherwell. There are currently four made Neighbourhood Plans in Cherwell with the two most recently made plans being Adderbury (made 16 July 2018) and Mid-Cherwell (14 May 2019). Examination reports were received for Weston-on-the-Green and Deddington. The former is now the subject of additional consultation. The latter has been withdrawn by the Parish Council having considered the Examiner's report.

Infrastructure Delivery Plan (IDP)

- 3.41 The Infrastructure Delivery Plan (IDP) which supports the adopted Local Plan (2015) is maintained and monitored with the benefit of updates from infrastructure providers including the County Council. An updated 2019 IDP is presented at Appendix 2 and summary tables are included in the AMR (Appendix 6).

2019 Brownfield Land Register

- 3.42 The Town and Country Planning (Brownfield Land Register) Regulations 2017 require local planning authorities to prepare and maintain a register of brownfield sites. Local planning authorities must review the register at least once within each register year. A Brownfield Land Register (BLR), the first to be produced under the new legislation, was published in December 2017. An updated 2019 Register which is the third BLR prepared is presented at Appendix 3.
- 3.43 The Register was reviewed alongside the AMR to include new qualifying sites and to remove sites that are being developed. The base date for planning permissions and completions is 31 March 2019. Fifteen new sites (see dates of entry) have been added and fourteen 'greyed-out' sites removed as they have now been developed or work has started.
- 3.44 The 2019 BLR includes 37 sites with a housing potential of 1,272 dwellings. Deliverable sites are included in the five year housing land supply. Upon approval by the Executive the updated register would be published with supporting location plans.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The Annual Monitoring Report provides important information to measure the effectiveness of planning policies and to assist policy making and development management decision making. It is the statutory mechanism for monitoring housing delivery. Its most significant conclusion is that although the district is presently unable to demonstrate a five year housing land supply, the identified supply of 4.6

years is still well in excess of the 3 year ministerial flexibility. The AMR is accompanied by an updated 2019 Infrastructure Delivery Plan and a 2019 Brownfield Land Register which must be reviewed annually. It is recommended that all three documents be approved, and that Development Management officers and Planning Committee are advised of the latest monitoring information as required.

5.0 Consultation

5.1 Cllr Colin Clarke, Lead Member for Planning

6.0 Alternative Options and Reasons for Rejection

6.1 *Amendment of the 2019 Annual Monitoring Report, Infrastructure Delivery Plan and Brownfield Land Register in consultation with the Lead Member for Planning*

Officers consider the documents to be robust, supported by data and research. Delay could lead to uncertainty within the development industry and risks for decision making.

6.2 *Not to approve the documents*

Production of an authorities monitoring report is a statutory requirement and necessary to monitor implementation of the Local Plan. Updating the Brownfield Land Register is also a statutory requirement. The Infrastructure Delivery Plan is required to monitor and support delivery of the adopted Cherwell Local Plan 2011-2031.

7.0 Implications

Financial and Resource Implications

7.1 There are no direct financial implications arising from this report. The work collecting data and preparing the AMR is met within existing budgets. There are risks of costs associated with unsuccessful refusals of planning permission upon appeal and this risk can be reduce through having a robust AMR.

Comments checked by:

Dominic Oakeshott, Interim Assistant Director – Finance

Tel. 0300 003 0110, dominic.oakeshott@cherwell-dc.gov.uk

Legal Implications

7.2 The production of a monitoring report and Brownfield Land Register is a statutory requirement. The monitoring report is also required by the Council to help substantiate its planning decisions.

Comments checked by:

Nick Graham, Director of Law & Governance

Tel. 0300 003 0106, nick.graham@cherwell-dc.gov.uk

8.0 Decision Information

Key Decision:

Financial Threshold Met No

Community Impact Threshold Met: No

Wards Affected

All

Links to Corporate Plan and Policy Framework

This report directly links to all three themes from the Joint Corporate Strategy 2018-19:

- District of Opportunity & Growth
- Protected, Green & Clean
- Thriving Communities & Wellbeing

Lead Councillor

Councillor Colin Clarke - Lead Member for Planning

Document Information

Appendix No	Title
Appendix 1	2019 Annual Monitoring Report
Appendix 2	Infrastructure Delivery Plan Update 2019
Appendix 3	2019 Brownfield Land Register
Appendix 4	Housing Land Supply in Oxfordshire: Written statement - HCWS955
Background Papers	
None	
Report Authors	Yuen Wong – Principal Planning Policy Officer Maria Dopazo, Acting Planning Policy, Conservation and Design Manager – Place and Growth
Contact Information	Yuen Wong - 01295 221850 yuen.wong@cherwell-dc.gov.uk Maria Dopazo - 01295 227970 maria.dopazo@cherwell-dc.gov.uk