

# Cherwell District Council

## Executive

6 January 2014

### Local Plan Annual Monitoring Report

#### Report of Head of Strategic Planning and the Economy

This report is public

#### Purpose of report

To seek approval of the Local Plan's Annual Monitoring Report (AMR) including a review of the District's Five Year Housing Land Supply Position.

#### 1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the Annual Monitoring Report and authorise the Head of Strategic Planning and the Economy to make any necessary minor amendments in consultation with the Lead Member for Planning.
- 1.2 To note the district's housing delivery position and endorse the review of the District's Five Year Housing Land Supply.
- 1.3 To note the need for the Head of Strategic Planning and the Economy to consider potential implications for current planning applications in consultation with the Head of Development Management and to advise the Planning Committee as required.

#### 2.0 Introduction

- 2.1 An Annual Monitoring Report (AMR) has been prepared for the period 01 April 2012 to 31 March 2013. It presents information on development that took place or was permitted over that period and provides a comprehensive review of housing land supply. The AMR also reports on progress in preparing the Local Plan and associated policy documents.
- 2.2 The Council has a statutory obligation to produce a planning monitoring report. However, the Localism Act 2011 and Town and Country Planning (Local Planning) (England) Regulations 2012 have reduced previous monitoring requirements for Local Planning Authorities and it is now generally a matter for individual councils to decide on the content of their monitoring reports.

- 2.3 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 will 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 during planning appeals and the comprehensive review here presented takes into account the implications of a recent appeal decision for 85 homes at Deddington (refs. APP/C3105/A/13/2201339 & 13/00301/OUT).

### 3.0 Report Details

#### Housing Supply

- 3.1 The monitoring of housing supply is a key part of the AMR. The National Planning Policy Framework (NPPF) requires local planning authorities to "...identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land" (para' 47).
- 3.2 In July 2013 an update to the District's Housing Land Supply Position was published following a Planning Committee meeting at which Members resolved to grant permission for a further number of deliverable housing sites. The update showed that with an additional 20% requirement included, the District had returned to a 'Five Year Land Supply Position' with a supply of 5.1 years.
- 3.3 This position was reported to the Planning Inspectorate to ensure that the most up-to-date position could be reported to the Secretary of State for Communities and Local Government in determining four planning appeals. Although these appeals were upheld and planning permissions granted, the details of the updated housing land supply position had not been examined at the respective Public Inquiries.
- 3.4 On 18 December 2013, a further appeal decision (for a site at Deddington) was received following a Public Inquiry at which the updated supply position was examined. A key issue was whether any shortfall in housing delivery should be made up over the course of the Local Plan period (the Council's position - known as the 'Liverpool' approach) or whether any shortfall should be made up within the next five year period (known as the 'Sedgefield' approach). The Planning Inspector concluded:

*"15. There is support for both methods in appeal decisions although the appellant refers to recent publications which favour the Sedgefield approach. Draft National Planning Practice Guidance and advice published by the Planning Advisory Service also support the rapid resolution of past deficiencies because the Sedgefield method is more closely aligned with the objective in the NPPF to boost housing supply....*

*20. I appreciate that economic conditions have not helped but I consider a more robust approach should be taken on this issue. Adopting the Sedgefield*

*methodology would increase the number of sites that were available to reduce the housing deficit and minimise the risk of further deterioration in the Council's ability to meet its housing needs. In view of the emphasis in the NPPF to provide choice and flexibility in the residential market I consider it would be advisable for the Council to ensure every reasonable opportunity is taken to improve its housing supply....*

*21. Using the Sedgefield method means the Council has, at best, less than a 4.5 year supply of housing land. The proposed scheme would help to overcome the shortfall and subject to my consideration of the second main issue, is a reason for allowing the appeal."*

- 3.5 Other important clarifications included that sites do not necessarily have to have formal planning permission to be considered 'deliverable' (the Council's position) and that the Council was 'justified' in taking account of additional supply (the July update) as housing land availability is in a 'constant state of flux'. It was considered, "...where, as in this case, a large number of new sites have come forward relatively quickly it would be unreasonable not to acknowledge that circumstances may have changed." However, the Inspector reduced the weight given to the July update because a comprehensive review of all supply had not been undertaken.
- 3.6 A comprehensive review of housing land supply has now been undertaken for the AMR and is presented to Members. It takes account of the Inspector's conclusions, housing completions and permissions as at 31 March 2013, appeal decisions, the up-to-date position on all anticipated housing sites in consultation with developers and agents, and current market conditions. Significantly, for the first time, the calculation of land supply assumes that the current shortfall in housing delivery is made up within the five year period (the 'Sedgefield' approach).
- 3.7 The conclusion is that despite the Council's proactive and considered decisions to increase supply in the interest of returning to a five year land supply position, and doing so ahead of the Local Plan Examination, the application of the 'Sedgefield' approach has produced a housing land supply of 4.7 years (including the additional 20% as required by the NPPF). This means that once again the district is in a 'shortfall' position of some 357 dwellings in the current 5 year land supply period, but falling to 94 homes (and a supply of 4.9 years) for the period 2014-19 which commences from 1 April 2014.
- 3.8 The adoption of the new Local Plan in due course will generate further supply of strategic housing sites. However, in the meantime, this up-to-date position will need to be presented to the Planning Committee in dealing with relevant land supply cases along with all other material considerations.

### 3.9 Other Key Findings

#### *Employment*

- The district has seen an overall gain in permissions for employment uses with 2,976sqm completed and thus 'gained' during 2012/13 (for sites of over 200sqm).
- Overall employment land availability is currently 119.43 hectares.

- During 2012/13, there have been net gains in 'town centre' uses with the majority of completions at Bicester – the result of the Bicester Town Centre redevelopment.

#### *Natural Environment*

- There have been no applications granted contrary to Environment Agency advice on flood risk grounds.
- One new site was designated as a Local Wildlife Site (at Bicester Airfield).

## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 An Annual Monitoring Report is presented to Members for formal approval to ensure there is up to date monitoring information available to inform policy making, consideration of planning applications and Council decision-making.
- 4.2 A comprehensive review of housing land supply taking into account the conclusions of a recent appeal decision (Deddington) shows that the district presently has a 4.7 year housing land supply and a shortfall of some 357 dwellings. This up-to-date position will need to be reported in relevant planning application cases.

## **5.0 Consultation**

- 5.1 The Annual Monitoring Report is not required to be consulted upon but will be made publicly available.

## **6.0 Alternative Options and Reasons for Rejection**

- 6.1 The following alternative options have been identified:

- |                     |   |
|---------------------|---|
| <b>Option One</b>   | To approve the Annual Monitoring Report as recommended          |
| <b>Option Two</b>   | To seek partial reconsideration of the Annual Monitoring Report |
| <b>Option Three</b> | Not to approve the Annual Monitoring Report                     |

Option One is recommended. Options Two and Three would create delay and / or uncertainty with potential adverse consequences for decision making.

## **7.0 Implications**

### **Financial and Resource Implications**

- 7.1 There are no direct financial implications arising from this report. The work on collecting data and preparing the AMR is met within existing budgets. There are risks of costs associated with unsuccessfully defending refusals of planning

permission upon appeal, particularly if the decisions made as a result of this report are not considered to be well founded.

Comments checked by: Tim Madden, Interim Head of Finance 0300-003-01606, tim.madden@cherwellandsouthnorthants.gov.uk

### **Legal Implications**

- 7.2 The District's housing land supply position is often a material consideration in determining planning applications for residential development. The reasons for the refusal of planning permission need to be reasonable and capable of being substantiated upon challenge. Planning decisions can be challenged in the Courts.

Comments checked by: Nigel Bell, Team Leader – Planning and Litigation, 01295 221687, Nigel.Bell@Cherwell-DC.gov.uk

### **Risk Management**

- 7.3 The AMR provides information that could be material in refusal of planning permission for planning applications, particularly for residential developments that are contrary to policy. The AMR must be robust to reduce the risk of the Council being unsuccessful in defending planning appeals and the associated risk of costs being awarded against the Council. There are no equalities issues arising from this report.

Comments checked by: Claire Taylor, Performance Manager, 01295 221563, claire.taylor@cherwellandsouthnorthants.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**

- District of Opportunity
- Cleaner Greener

### **Lead Councillor**

Councillor Michael Gibbard - Lead Member for Planning

## Document Information

Appendix No	Title
Appendix A	Annual Monitoring Report 2013
<b>Background Papers</b>	
None	
<b>Report Author</b>	David Peckford, Principal Planning Officer, Strategic Planning and the Economy Yuen Wong, Planning Officer, Strategic Planning and the Economy
<b>Contact Information</b>	<a href="mailto:David.Peckford@cherwell-dc.gov.uk">David.Peckford@cherwell-dc.gov.uk</a> , 01295 221841 <a href="mailto:Yuen.Wong@cherwell-dc.gov.uk">Yuen.Wong@cherwell-dc.gov.uk</a> , 01295 221850