

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
9th October 2018

Agenda item 8

Application Ref. 18/00122/FUL

New Farm, Alsager Road, Audley

Since the publication of the main agenda report the Council's Planning Committee has considered and accepted the latest five year housing land supply position as set out in the 'Five Year Housing Land Supply Statement: 2018-2023'. This is relevant to the determination of this planning application as it is a material change in circumstances that now needs to be considered.

The application site lies within the Rural Area of the Borough, outside of a village envelope, and the proposed dwellings would not serve an identified local need and as such are contrary to policies of the Development Plan, specifically policy SP1 and ASP6 of the Core Spatial Strategy and Policy H1 of the Local Plan.

Paragraph 11 of the recently published revised Framework states that Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. 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.

Policies are considered to be out of date, in the consideration of applications involving the provision of housing as here, in situations where the local planning authority either cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. The Housing Delivery Test – which measures net additional dwellings provided in a local authority area against the homes required, using national statistics and local authority data - does not yet apply. It will apply from the publication of the Housing Delivery Test results in November 2018 and is to be phased in with initially the term substantially below being defined by a much lower % threshold. It has no bearing at present on the determination of this application, although the Borough's anticipated "score" is relevant to the decision that the Borough needs to allow for a 20% buffer in calculating its supply.

Whilst at the time of the publication of the main agenda report the Council had not adopted the most recent Five Year Housing Land Supply Statement (the Statement) and was unable to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, that is no longer the case. The Statement takes into consideration the advice in the revised NPPF regarding the approach to be taken to determine the up-to-date position and as reported to members at the Planning Committee meeting of the 27th September 2018, the Council can now demonstrate a housing land supply of deliverable housing sites, allowing for the appropriate buffer, of 5.45 years.

The Council's supply exceeds the 5 year figure by 0.45 years, even so it will be appropriate to proceed on the basis that whilst a proposal may not accord with the provisions of the approved development plan, there are other material considerations which should be given greater weight. However, this should be a selective approach to be applied only where sites by reason of their proximity to services are considered to be very sustainable locations for development. In other less sustainable locations it will remain appropriate to give full weight to restrictive development plan policies and not to approach the application requiring approval in all cases where the adverse impacts are not significantly and demonstrably outweighed by the benefits of the scheme. This was the approach taken in the main agenda report and resulted in a recommendation of approval by your officers. The position set out above makes a marked change in dealing with housing applications, particularly in the open countryside – as is the case here.

Paragraph 12 of the NPPF states that; "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

It is acknowledged in the main agenda report that the site and proposed development do offer some sustainable credentials of note and the proximity of the site to the village envelope of Audley would offer future occupiers of the proposed dwellings with a realistic option to walk or cycle to access services as opposed to a reliance on private motor vehicles. However, the site cannot be said to be a very sustainable location for new housing and it is contrary to policies of the Development Plan. In this instance it remains appropriate to consider the proposal in the context of the policies contained within the approved development plan and in the absence of material considerations of significant weight, the decision should be one of refusal of the development on the grounds that the principle of the development is unacceptable.

Revised Recommendation

Refuse for the following reasons;

1. The site lies within the open countryside outside the village envelope of Audley and the proposed dwellings would not serve an identified local need. As such, the development of this site is contrary to the objective of directing new houses to sustainable brownfield land within the village envelopes of the key rural service centres and as such would be contrary to Policies SP1 and ASP6 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policy H1 of the Newcastle-under-Lyme Local Plan

2011, and the aims and objectives of the National Planning Policy Framework (2018).

2. In the absence of a secured planning obligation there is not an appropriate review mechanism to allow for changed financial circumstance, and, in such circumstances, the potential provision of a policy compliant financial contribution towards public open space and onsite affordable housing is not achieved. The proposal would thus be contrary to Policies CSP5, CSP6 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policies C4 & IM1 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of the National Planning Policy Framework (2018).