

Emma Worley

From: Adam Bennett
Sent: 08 April 2022 11:00
To: Emma Worley
Subject: W/22/00201/OUT - Policy Position

Hello Emma – see below for the policy position regarding W/22/00201/OUT - Land At (Os 8894 6544), Kidderminster Road, Hampton Lovett; please note that the POS figures are based on a policy compliant scheme and notional affordable housing delivery and not the proposed housing mix:

Planning Policy Context

National Planning Policy Framework (NPPF) – the NPPF is a material consideration in the determination of planning applications. The purpose of the planning system is to contribute towards the achievement of sustainable development, and Paragraph's 7 to 217 of the NPPF set out the Government's interpretation of that concept.

South Worcestershire Development Plan (SWDP) – The SWDP was adopted in February 2016 and all the above policies are considered to be up to date and relevant in determining this application.

Five Year Housing Land Supply and HDT – the NPPF at Paragraph 74 requires local planning authorities to demonstrate a Five Year Housing Land Supply (5YHLS) against the relevant housing requirement. Paragraph 11 at Footnote 8 states that policies for the supply of housing (i.e. SWDP2) should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

The latest 5YHLS Report (September 2021) is calculated on a South Worcestershire basis and shows that, against the housing requirement calculated using the Standard Method, the Councils consider they can demonstrate a robust 5YHLS of 5.76 years. Therefore, all SWDP policies are to be afforded full planning weight.

NPPF Paragraph 11 at Footnote 7 also states that policies for the provision of housing should not be considered up-to-date where the Housing Delivery Test (HDT) indicates that delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. The 2021 HDT results were published in January 2022, which gave the South Worcestershire Councils a measurement of 155%, meaning no sanctions have been applied.

Policy Advice

The application site lies outside of a defined Development Boundary, as defined by SWDP2 C and the Interactive Policies Map, and is not a housing allocation in the SWDP. As such it is considered to fall within the open countryside and is not within any of the exceptions listed in SWDP2 C and its associated footnote 3. On that basis, it is entirely inconsistent with one of the strategic policies of the SWDP and the SWDP Development Strategy as a whole.

Policies for the supply of housing (i.e. SWDP2 and SWDP3) should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. This is not the case here as the Council's latest Five Year Housing Land Supply Report (Sept 2021) demonstrates a robust 5YHLS of 5.76 years. The consequence of this is that the policies in the SWDP are up-to-date and should be afforded full planning weight by the decision-maker.

In the High Court decision *East Staffordshire BC v SoSCLG and Barwood Land (2016)* Mr Justice Green held that, contrary to the earlier judgement of Mr Justice Coulson in *Wychavon DC v SoSCLG (2016)*, there is no freestanding presumption in favour of sustainable development outside the circumstances described in Paragraph 14 of the NPPF. He concluded where a proposal is inconsistent with an up-to-date Local Plan there is little scope for a decision-maker to approve an application, and that discretion of "relatively narrow construction" (para 32) can be applied, but only in "exceptional cases" (para 31), which has not been demonstrated here.

The High Court decision also concludes that there is a heightened requirement on an Inspector, in approving development proposals inconsistent with an up-to-date Local Plan, to spell out the 'pros' and 'cons' of a proposal in a transparent balancing exercise, and that the assessment of one must be commensurate or proportionate to that of the other.

As the development proposal is contrary to an up-to-date strategic policy of the Local Plan (i.e. SWDP2) then the normal application of the NPPF clearly suggests that this application should be refused. No exceptional circumstances are evident that suggest planning permission should be granted in this case; therefore the development does not gain policy support.

Schedule of Accommodation

	1 Bed	2 Bed	3 Bed	4+ Bed	Total
Proposed Market Dwellings		15	34	12	61
Proposed Social Housing Dwellings	10	21	10		41
Total Dwellings	10	36	44	12	102
Developer Contribution - Discounted Rate	50%	75%	100%	100%	

Average household Size	2.36
number of Residents	240.72

Planning Policy Response

Open Space Requirements

Type of Open Space	ha per 1,000 residents	Required ha per 240.72	Required m2 per 240.72
Amenity and Semi-natural greenspace (m2)	1.03	0.24794	2479.42
Equipped Play Space (m2)	0.09	0.02166	216.65
Cemetery (m2)	0	0.00000	0.00
Civic Space (m2)	0.03	0.00722	72.22
allotment (m2)	0.39	0.09388	938.81
Total ha	1.54	0.37071	3707.09
Total m2			3707.09

Market Dwellings - Developers Contribution

	Contribution Per Dwelling	Dwellings 61	Tarriff Based Contribution per Dwelling Si			
			1 Bed	2 Bed	3 bed	4+
Amenity and Semi-natural greenspace	£ 48.70	£ 2,970.70	£ -	£ 547.88	£ 1,655.80	£ 584.40
Equipped Play Space	£ 139.00	£ 8,479.00	£ -	£ 1,563.75	£ 4,726.00	£ 1,668.00
Cemetery	£ -	£ -	£ -	£ -	£ -	£ -
Civic Space	£ 23.64	£ 1,442.04	£ -	£ 265.95	£ 803.76	£ 283.68
allotment	£ 18.44	£ 1,124.84	£ -	£ 207.45	£ 626.96	£ 221.28
Sub total	£ 229.78	14,016.58	£ -	£ 2,585.03	7,812.52	£ 2,757.36
land acquisition	£ 127.18	£ 7,757.98	£ -	£ 1,430.78	£ 4,324.12	£ 1,526.10

total	£ 356.96	£ 21,774.56	£ -	£ 4,015.80	£ 12,136.64	£ 4,283.5
Commuted Sum per dwelling	£ 1,636.78	£ 166,951.56				
	Total Contribution	£ 188,726.12				Tarif Cc

Let me know if you need further input.

Regards

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