

**APPENDIX B****17/505722/HYBRID Land at Wises Lane, Borden**

This update report has been prepared as a result of the Government's publication of its (delayed) Housing Delivery Test (HDT) on 19 February 2019.

Paragraphs 4.11-4.15 of the original report set out the Council's five-year housing land supply position as at the time of writing the report. It made clear that the Council's 5.3 year land supply position was subject to influence from the then pending publication of the HDT, the date of publication of which had been delayed since November 2018. The HDT is relevant to the land supply position because it has the potential to increase the 'buffer' from 5% to 20% that would need to be added to the shortfall in housing delivery against the Council's annualised housing requirement. Paragraph 4.13 of the report indicated the likelihood that once published, application of the HDT buffer would lead to a reduction in the land supply to 4.6 years. In that event, paragraph 4.16 of the report indicated that an update on the position would be provided for the meeting. At the time the resolution to grant was made no update was necessary.

Whilst the resolution to grant planning permission has already been made, it would be prudent for Members to note this update given that the planning permission has not yet been formally issued.

Publication of the HDT on 19 February has indeed confirmed the need for the Council to apply a 20% buffer, which has confirmed the Council's land supply as now being 4.6 years. This means that as of 19 February 2019, the Council can no longer demonstrate a five-year supply of housing land. This is a change from the conclusion reached at paragraph 4.16 of the original report.

Whilst it remains the case, as set out in paragraphs 8.02-8.10 of the original report, that certain elements of the scheme are not in accordance with the Local Plan, the basis for the recommendation made to Members, as set out in paragraphs 9.01-9.11, has changed in the light of the new land supply situation.

The basis for the recommendation in the original report was one where officers acknowledged that elements of the proposal were not in accordance with the statutory purpose of the development plan, but where nevertheless it was considered that material considerations applied that justified departing from it, i.e. a grant of planning permission. The lack of a five-year supply changes this to one where paragraph 11d) of the NPPF would apply.

In effect, paragraph 11d) means that the most important Local Plan policies for determining the application would be judged as being 'out of date'. This would not mean that they carry no weight in decision making; rather that to refuse planning permission, proposals would need to either clearly offend policies that protect areas or assets of particular importance, as set out by the NPPF (paragraph 11d)i, or that the weight given to the benefits of the scheme (including any housing provision) is significantly and demonstrably outweighed by adverse impacts (NPPF paragraph 11d)ii.

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Paragraphs 9.09-10 of the officer's original report already confirmed that neither of these matters was justified in the case of the application considered on 30 January 2019. Thus despite this change, officer's recommendation would have been unchanged.

A matter not specifically considered by the original report, but which is now relevant in the light of the HDT, is the contribution that the application site might make to the five-year supply. In arriving at its land supply position for 2017/18 (i.e. 4.6 years), no contribution to the five year supply could be made from the application site, due to the fact that the planning application was not Local Plan compliant and thus there was, until 30 January 2019, uncertainty that planning permission would be granted. However, since publication of the HDT, a material consideration would be the applications potential contribution to improving the five year land supply position. On this basis, in my view, it would not be unreasonable to assume a contribution from this site within the five year supply (although not to the extent that the Council's shortfall would be removed) as well as on-going contributions across the rest of the Local Plan period. Members would, in my view, now be able to view this as a further matter supporting their 30 January 2019 resolution to grant planning permission.

Members are asked to note the above, with the effect of that officer's recommendation to Members in the original 30 January 2019 report remains unchanged.