Current planning & delivery issues for growth

Advisory Team for Large Applications

Today’s event

- Issues & Challenges
- Placemaking & design
  BREAK
- Delivering growth – the Northstowe experience
- Using DM effectively
- Discussion
  CLOSE

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What is ATLAS

- Advisory Team for Large Applications
- Provides support on large scale projects (500+ units) when requested by Local Authorities
- Provides impartial advice on large scale projects for benefit of all stakeholders

Setting the scene: current challenges & issues

Fionnuala Lennon
Content

- Planning policy framework
- Challenges for delivery
- Recent appeal decisions
- Viability & deliverability
- Addressing the issues

NPPF

- Sustainable development
- Presumption in favour
- Housing land supply
- Viability
- Localism
- Prematurity
...and subsequently...

- Renegotiation of S106s (Aug 12)
- Review of planning practice guidance (Oct 12)
- Growth & Infrastructure Bill (Nov 12)
  - option to apply to PINS on major applications
  - PINS to modify/discharge of AH obligations
  - restriction on information with applications
- Requirement for decision notices to include explanation of positive & proactive working (from Dec 12)
- PINS appeal changes re award of costs
- Review of housing standards (by Spring 13)

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Some challenges

- Localism?
- Continuing high expectations around the quality of new developments
- Continuing restricted lending environment
- Significant viability gaps
- Risk adverse approaches on all sides
- S106 v CIL for largish developments
- Parameters for S106 renegotiation
- Managing the changing planning process landscape with reduced resources

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How are issues faring at appeal?

- "most significant material consideration" – sometimes outweighing “significant” conflict with the development plan.
- Lack of 5 years supply means housing supply policies out of date (para 49) therefore presumption in favour applies (para 14)
- Housing land supply important part of economic growth consideration which contributes to whether proposals constitute sustainable development
- Defining the 5 or 20% buffer

Appeals: Housing supply imperative
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Appeals allowed – no 5 year land supply
- 200 homes, Sellars Farm, Harwicke, Stroud DC, May ’12
- 83 homes, Runnel Farm, Blackpool BC, June ‘12
- 1150 homes, Lytham St Annes, Fylde BC, June 2012
- 1000 homes, Bishop’s Cleeve, Tewkesbury BC, July ‘12
- 274 homes, Kentwood Farm, Wokingham BC, July ‘12
- 1200 homes, Gilden Way, Harlow BC, Nov ‘12

Appeals dismissed – 5 year land supply in place
- 450 homes, Bridgwater, Sedgemoor DC, Aug 2012

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Appeals: Sustainable development

“matter of balance”: social, economic and environmental, but are social and economic being prioritised?
- Bishop’s Cleeve: loss of Countryside and harm to landscape “regrettable”.
- St Annes: “provision of link road…contribution to housing provision…clearly outweigh totality of harm of inappropriate green belt development”

BUT environmental considerations can still outweigh housing land supply (e.g. Coalville appeal)

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**Appeals: Prematurity**

- PSGP still applies plus NPPF
- Where plans at early stage, unlikely to be prematurity argument
- More advanced plans – can be prejudiced but unlikely to be 'sole determinant' of decision (e.g. Coalville)
- Scale of development relative to CS requirements also a factor (e.g. Runnel Farm)
- “will need to demonstrate clearly how the grant of permission for the development concerned would prejudice the outcome of the DPD process.” PSGP

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**Viability and deliverability**

- Para. 173, NPPF
  (Developments) should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened...taking account of the normal cost of development and mitigation, provide competitive returns to a willing landowner & willing developer to enable the development to be deliverable.
Appeals
Pre NPPF
- Historic land prices (Clay Farm)
- Viability (RAF Upwood)
- Compliance with CIL (Stoke on Trent)
Post NPPF
- Coordinated delivery of development & infrastructure (Kentwood Farm, Wokingham)
- Implications for masterplanning/ Comprehensive development (Runnel Farm, Blackpool)
- Delivery of affordable housing (Wembdon, Bridgwater)
- “if the appeal site is released now, the opportunity to achieve a greater proportion of affordable houses at a later date would be lost”

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Addressing the issues
- Permissions still being granted and development still happening
  - Lubbesthorpe
  - Newark
  - West of Bedford
  - South Cambridge
- More informed negotiations on & approaches to viability
- Stalled developments - S106 renegotiation – managing expectations

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Addressing the issues

- Effective use of available funding initiatives, e.g. Get Britain Building, New Homes Bonus
- More partnership working (LAs investing equity)
- Flexibility around delivery (e.g. Kentwood Farm, Wokingham)

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