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Town and Country Planning (Inquiries Procedure) (England) Rules 2000
Town and Country Planning (Development Management
Procedure) (England) Order 2015

APP/C3240/W/16/3144445

Telford & Wrekin Reference: TWC/2015/1003

JVH Planning Reference: JVH/RED/003

Proof of Evidence of Janet V Hodson.

Appeal by Redrow Homes (Midlands) under Section 78 of the Town and Country
Planning Act 1990

Against Non determination of Application Ref TWC/2015/1003.

Land at Kestrel Close and Beechfields Way Newport TF10 8QE. For residential
development of 170 homes open space and the demolition of numbers 14 and 15
Kestrel Close.

1st November 2016

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1 Introduction.

- 1.1 I am Janet Vanessa Hodson and I am the Principal of my own Planning Practice based in Staffordshire. I hold an honours Degree in General Arts from the University of Newcastle upon Tyne, a Diploma in Town and Country Planning, and I am a member of the Royal Town Planning Institute. I have over 35 years' experience in Town Planning.
- 1.2 The Application for the development was submitted on the 28th October 2015. An Appeal was made against the non-determination of the Application on the 12 February 2016. An Inquiry is due to be held into this Appeal on the 29th November 2016. I am instructed by Redrow Homes to give the Planning Evidence including the evidence on the housing land supply position in the District.
- 1.3 The evidence which I have prepared and provide for this appeal within this proof of evidence, is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.
- 1.4 At the time of writing this evidence there is not a Statement of Common Ground between the Applicants and the Council covering the Planning Matters. However a SOCG has been drafted and the matters of agreement and disagreement will be finalised and once agreed will be available to assist the Inquiry.

2 Description on the Appeal Site and Surroundings

- 2.1 The Appeal site comprises some 6.5 hectares of land. The site is located on the northern edge of Newport between the A 41 by pass and the built up area in the form of Beechfields Way and Kestrel Close. The boundaries of the site are comprised by Plough Lane in the north, the A 41 to the east, open land to the south and residential development to the west.
- 2.2 The site itself comprises open pasture land. The topography of the site is such that the land rises from the south and the west from around 65m AOD to 80m AOD in the vicinity of the central oak tree.
- 2.3 The site includes a mature oak tree central to the site and a further mature oak in the southern section together with hedgerows on the site boundaries
- 2.4 Plough Lane on the northern boundary is also a public footpath. The footpath runs along the northern and eastern edges of the site and links to the Shropshire Union Canal to the south.
- 2.5 Kestrel Close and Beechfields Way lead onto Forton Road, which lead directly to the centre of Newport. Forton Road itself has lit footpaths on both sides of the road. There are bus stops on Forton Road located some 450m (southbound) and 600m (northbound) approximately 5-7 minutes' walk from the site.

- 2.6 Beechfields Way and Kestrel Close comprise an estate of detached and semi-detached houses dating from the 1980s. The estate is designed with footpaths on both sides of the carriageway. The houses themselves stand back from the roadway behind front gardens and individual driveways. The houses are all two storey in height. Four properties are gable end onto the Appeal site these are The Hollies (accessed via Plough Lane) and number 12 Kestrel Close and numbers 33 and 39 Beechfields Way, eight properties back onto the Appeal site these being 14 and 15 Kestrel Close (proposed for demolition) and numbers 41, 43, 45, 47, 49 and 53 Beechfields Way.
- 2.7 The Shropshire Union Canal lies to the south west of the site. This part of the canal is a residual element of the canal system, which passes through the centre of Newport and provides a walkway along the canal edge to the centre of the town.

3 The Planning History of the Site.

3.1 Planning Application

Planning Application TWC/2015/1003 was submitted to the LPA on the 28th October 2015. An Appeal against the non-determination of this application was made on the 12 February 2016. Following the Appeal against non-determination the Planning Authority reported the Application to Planning Committee on the 18th May 2016 and set out five reasons for refusal, had they determined the Application. The putative reasons are set out below.

1. The site lies in countryside outside the built up area of Newport, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. The site also lies outside the settlements of High Ercall, Tibberton and Waters Upton, where new development within the rural area is expected to be focused. The Council has in excess of a five year housing land supply and there are no exceptional circumstances to justify the provision of new housing in this location. As such the development proposal is contrary to the NPPF, saved Wrekin Local Plan policy OL6 and Core Strategy policies CS6, CS7 and CS11 and Policy SP2 of the Telford & Wrekin Local Plan (Publication Version).
2. The proposal would result in the likely loss of two protected veteran oak trees that have a high ecological and amenity value. In addition the proposals do not accord with paragraph 99 of ODPM Circular 06/2005, or Standing Advice from Natural England nor do they provide necessary survey information relating to bats. The proposals do not contain sufficient information in order for the Local Planning Authority to be satisfied that their duty under regulation 9(5) of the Conservation of Habitats Regulations 2010 has been discharged, in that the use or otherwise of the dwellings to be demolished as bat roosts has not been established nor the extent to which any bat population may be affected by the proposals. Survey information is envisaged and no exceptional circumstances exist for the grant of permission in the absence of survey information. Nor has it been shown that any necessary disturbance caused by precautionary mitigation could not be avoided based upon survey information. Alternatives have not been explored. As such the proposal falls short of policy expectations set out in Policy CS12 of the Telford & Wrekin Core Strategy and national planning policy including the National Planning Policy Framework.

3. Insufficient information has been submitted to demonstrate that the development can be accommodated within the existing highway network without the need for mitigation. In addition the proposal would result in approximately 170 dwellings being accessed from a single point of access which would represent an unacceptable form of development. As such the development proposal is contrary to the NPPF and saved Wrekin Local Plan Policy UD2.
 4. Insufficient information has been submitted to demonstrate that the quantity of development proposed can be accommodated on the site without it having a detrimental impact on the character and appearance of the wider landscape. As such the development proposal is contrary to the NPPF, to saved Wrekin Local Plan policy UD2 and to Core Strategy CS15.
 5. Insufficient information has been submitted to demonstrate that the development can provide acceptable living standards for potential future occupiers with regard to noise pollution from traffic travelling along the A41. As such the development is contrary to the NPPF.
- 3.2 At the time of writing this evidence, the reasons relating to ecology (RR2) and highways (RR3) have been resolved subject to the agreement of planning conditions. The remaining unresolved issues relate to the principle of the development as expressed in reason 1 and the impact on the landscape as expressed in reason 4. There also remains the issue of the impact of noise upon the proposed development as expressed in reason 5. See Appendix 1
- 3.3 In August 2016 a second outline application was submitted on the Appeal site under planning Ref TWC/2016/0704. This application was later withdrawn on the 10th October 2016. This application included a new Masterplan Layout and updated technical documents which had been brought up to date with new work to deal with the concerns expressed by the Local Planning Authority on the first application. This Appeal seeks to rely on the updated Masterplan and Technical Documents. In order to ensure that all interested parties have had the opportunity to view and comment on the revised masterplan and documents, the Applicants have consulted those parties who have been notified of this Appeal and advised them that

the new documents and masterplan are available to view in paper form at Newport Library and the Main Council Offices as well as on a dedicated website. This consultation was sent out by notification letter to interested parties on the 29th September 2016. Appendix 2.

4 The Development Plan.

4.1 The Development Plan policies for Telford and Wrekin are contained within the Telford and Wrekin Core Strategy adopted in December 2007 and the saved policies of the Wrekin Local Plan adopted in February 2000. A new Telford and Wrekin Local Plan 2011 to 2031 was published in January 2016 and is shortly to be examined with the Hearing sessions starting on the 15th November 2016.

4.2 Core Strategy Policies

The Core Strategy covered the period 2006 to 2016. CD3.9

The forward to the Core Strategy sets out that this is the first document as part of the new Development Framework Documents and that work will continue with the preparation of a Land Allocations Document, Development Control Policies Document and Action Area Plans and that these documents will be brought forward over the next two to three years.

POLICY CS 1

Homes Housing development will seek to provide every household in the Borough with an affordable, decent and appropriate home.

The number of new homes to be delivered in the Borough within the LDF period will be consistent with the policy of the Regional Spatial Strategy for the West Midlands (RSS). RSS June 2004 permits a maximum of 1330 new dwellings per annum up to 2011, and a maximum of 700 new dwellings per annum 2011-2016. A maximum of 2850 dwellings will be brought forward under the New Growth Points Initiative, from the total housing requirement set by RSS.

The spatial distribution of new homes across the Borough to 2016 will be consistent with the Spatial Development Strategy. Telford, including the Strategic

Sites of Lightmoor, Lawley and East Ketley, will be the location for the overwhelming majority of new homes. Newport's local housing requirements will be met by approximately 60 new dwellings per annum. Housing needs within the rural area will be met by approximately 170 new dwellings.

The type, size and tenure of new and improved homes will meet local need, and be delivered in a way that creates locally inclusive sustainable communities.

POLICY CS 6

Newport

Development in Newport will support its role as a market town. The amount of available employment land within the town will be increased, in order to provide new local employment opportunities. Development will be limited to that required to meet local needs, including those of its rural hinterland, and to support the town's regeneration. New housing development will be expected to deliver affordable housing to the level of 35% of all such development. Newport's spatial development will include:

- development that directly benefits the town's economy;
- increasing the accessibility to key services and facilities;
- meeting the local need for new homes and related facilities

All development will respect and enhance the quality of the town's built and natural environments, including its townscape and impact on surrounding countryside.

POLICY CS 7

Rural Area

Development within the rural area will be limited to that necessary to meet the needs of the area. It will be focussed on the settlements of High Ercall, Tibberton and Waters Upton. New housing development will be expected to deliver affordable housing to the level of 40% of all such development. Outside of these settlements development will be limited and within the open countryside will be strictly controlled.

POLICY CS 11

Open Space

Within the context of the development needs of the Borough, this policy seeks to protect and enhance areas of open space, both formal and informal.

Development on open space will only be permitted if it can be demonstrated that:

- **There will be significant community and environmental benefits delivered by the proposal and;**
- **The land does not contribute to the open space standards* set to meet the requirements of the local population.**

(* standards will be set out in the Development Control Policies DPD)

- 4.3 This Policy seeks to protect open space. The open spaces it seeks to protect are not identified in the Core Strategy as specific land use designations. Until such time as a development plan makes specific open space designations then this policy has little meaning.

POLICY CS 15

Urban Design

The design of development will assist in creating and sustaining safe places, Strengthening local identity and projecting a positive local image. It will positively influence the appearance and use of the local environment.

Further guidance on design, including objectives of urban design, will be provided by supplementary documents.

- 4.4 This Policy is seeking development that strengthens local identity and how the elements of a scheme the buildings spaces and the landscape are used in a positive way.

4.5 Saved Wrekin Local Plan Policies CD3.7

There are saved policies within this plan relating to urban and landscape design, and open space. The Housing Policies H9, H10 and H23 are considered below as they are set out in the Council's report to planning committee as relevant to the consideration of the application, but are not found in the putative reasons for refusal.

H9

Location of new Housing .

New residential development will be permitted only within the following suitable settlements: Allscott, Crudgington, Edgmond, High Ercall, Lilleshall, Little Wenlock, Longdon on Tern Roden, Rodington, Sambrook, Tibberton, Waters Upton and Wrockwardine. All proposals for new development within these villages must accord with Policy H10. Elsewhere in the Rural Area, there will be a policy of refusing proposals for new residential development except that permitted under the exceptional circumstances detailed in Policies H11, H18 and H24.

H10

Scale of development

Within the suitable settlements identified in policy H9, development will be permitted where: a) it involves one or two dwellings on a suitable infill plot within the existing built up frontage, b) the site does not cause the loss of an important area of open space, nor cause an extension of the village into open countryside, c) the proposal conforms with policy EH2 of the Plan, and d) the proposal conforms with policies H12, H14 and UD2 of the Plan.

- 4.6 Policies H9 and H10 of the Wrekin Local Plan are out of date. Within the Wrekin Local Plan Telford and Newport are regarded as the locations for growth and growth in the rural areas and the villages is limited. In this respect these policies are not relevant to the consideration of this Appeal as they do not deal with Newport.

H23

Affordable Housing

On new housing land allocations in Telford of 0.5ha or above or 15 dwellings or above, throughout the plan period, the Council will pursue, through negotiation, an overall target of 38% of dwellings for affordable housing, both social housing and low cost market housing, via registered social landlords or through the use of planning conditions or obligations. In Telford these percentages would result in targets of: Sites Whole Site Affordable total SE Hadley 415 158 The Grooms 120 45 TOTALS 535 203 The significant specific need for social housing means that across the District as a whole, for the period 1995 to 2001, the Council will pursue through negotiation the provision of 900 units of social housing via registered social landlords. A proportion of affordable housing will be sought on other sites in Telford and Newport which come forward for residential development during the plan period, where there is identified local need. The actual amount will depend on the level of local need, the specific circumstances of the site and whether there have been specific costs incurred to enable the site to be brought forward for development, which would help fulfil other objectives of the Local Plan.

- 4.7 The issue of affordable housing is being dealt with in the Proof of Evidence of Mr James Stacey who will comment on the up to date need and the Policy requirements.

Policy OL6

Open Land

Throughout the District, the Council will protect from development locally important incidental open land within or adjacent to built-up areas where that land contributes to the character and amenity of the area, has value as recreational space or importance as a natural habitat.

- 4.8 OL6 does not relate to Appeal site, see commentary on the proposals map below at 4.10.

POLICY UD2

Design Criteria

In considering whether or not a development proposal is of an appropriate design quality, and relates positively to its context, the Council will assess it in relation to its scale, massing, form, density, orientation and layout, proportions, materials, landscape elements, access and spatial quality. In making this assessment, the Council will test it against the following urban design principles, as appropriate, and determine the degree to which the development:

- a) respects and responds positively to the context, both visually and functionally, and enhances the quality of the local environment through high quality and, where appropriate, distinctive design.**
- b) produces a positive spatial structure and sense of place, at a human scale, through an integrated approach to the site combining layout, building form and design, hard and soft landscape elements, access and parking.**
- c) respects and integrates with the wider landscape setting, and topography, and retains open spaces which make a positive contribution to the site and its context.**
- d) respects and relates to any adjacent buildings and features of townscape value and protects or enhances local features of particular architectural, historical, landscape or nature conservation value.**
- e) preserves or reinforces existing or historic street patterns, layouts, development grain, traditional frontages and boundary treatments.**
- f) maintains and exploits important landmarks, views to and from the site, and respects or enhances the quality of the skyline.**
- g) maximises permeability through protecting and reinforcing existing movement patterns and maximising the potential pedestrian and other links both through the site, and to the surrounding context.**
- h) applies other standards in the plan with imagination and flexibility, especially in infill situations, on sensitive sites where it is otherwise considered necessary to produce a design which reinforces the character of the context, or produce a sense of place in new developments.**

- i) **produces a safe and secure overall environment through careful attention to layout, the design and orientation of building form, hard and soft landscape provision, attractive safe and convenient access network and parking provision.**

4.9 This Policy is about the design quality of new development and the response of the development to the local context and maximising existing qualities to create new environments with distinctive quality.

4.10 The Newport Proposals Map. CD3.8

The Proposal Maps includes Newport as an Inset. The inset shows the development boundary of Newport and identifies land which is allocated for Open Land under OL6 with vertical green hatching and Employment Land under E 2 in yellow. The Proposals Map does not identify any land use allocation for the Appeal Site. The development boundaries on this Inset Map remain as the defined settlement boundary until they are amended by a subsequent Development Plan.

4.11 The Emerging Local Plan CD3.13

The new Telford and Wrekin Local Plan was published in January 2016. After a period of consultation the Plan has been submitted for examination. The Examination of the Plan is due to commence on the 15th November 2016. Objections have been made to the submitted plan on the basis of the following matters.

i The OAN

Detailed objections have been made to the level of the housing requirement proposed in the Plan at Policy HO1, which sets the housing requirement for the period 2011 to 2031 at 15,555 net new dwellings. The objections by Redrow Homes give detailed justification as to why the proposed OAN is incorrect.

ii The Proposed Allocations

Objection has been made to the omission of the subject site from the proposed housing allocations within HO2 at Table 10 of the Plan and to the proposed development boundary for Newport.

iii The Spatial Strategy

Objections have been made to SP1 and SP2 of the Plan which seek to focus 13,400 new homes in Telford and only 1,200 new homes in Newport. The objection questions the rationale of the split of new development and seeks a higher proportion of development in Newport based on the sustainability of Newport; the overall deliverability of sites; the geography of the settlement and the containment of land by the A41 by pass.

iv The Green Network strategy

Objection has been made to policy NE6 and the inclusion of the site within a proposed green network. The objection questions the need for the allocation and the rationale for including the subject site within that allocation.

- 4.12 On the basis that there are objections to the emerging plan covering the OAN, the housing supply, the green network and the overall strategy then little weight should be given to these policies in the determination of this Appeal.

4.13 Previous versions of the Local Plan. CD3.11

In previous version of the Local Plan, the Appeal site has been noted as an employment allocation. The May 2014 document entitled “ Proposed Housing and Employment sites proposed the allocation of land immediately south of the Kestrel Close as a housing allocation. Map 6.7 of the same document proposed land at Plough Lane [SHLAA ref 617] and Kestrel Close [SHLAA ref 374]as employment sites for B1 B2 and B8 uses. SHLAA site Ref 374 is the area of the Appeal site. The whole area between the A 41 and the Newport Canal was proposed for development. There was no indication of any need to protect the area in a green network designation but a proposal for their full development for employment purposes. The explanatory text was as follows.

6.45 Further land will therefore need to be identified in Newport to be considered for allocation. At this stage the Council has identified two sites in the north of Newport that would be large enough to accommodate this land requirement. These are both located in close proximity to the A41 bypass and the A519 and they can be considered alongside the adjoining proposed housing sites to the south (sites 485 and 907 as shown on the Newport housing map) in order to deliver a mixed use development to the north of Newport.

5 Other Material Considerations.

The National Planning Policy Framework and the National Planning Policy Guidance

5.1 The NPPF.CD3.1

The foreword to the NPPF explains that the purpose of planning is to help achieve sustainable growth, that sustainable development should go ahead without delay and that planning is a creative process rather than simply one of scrutiny. The following are considered to be the most relevant sections of the Framework in this Appeal.

- Paragraph 7 – sets out the three dimensions to sustainable development; economic, social and environmental.
- Paragraphs 11-13 - The presumption in favour of sustainable development and section 38(6) of the PCPA 2004.
- Paragraph 14 – sets out the presumption in favour of sustainable development for both plan making and decision taking.

For decision taking it is set out that where development proposals accord with the development plan they should be approved without delay and where the development plan is absent silent or relevant policies are out of date then permission should be granted unless the adverse impacts of doing so outweigh the benefits assessed against the framework as a whole

- Paragraphs 47- 49 – states the Government’s policy imperative to boost significantly the supply of housing and the importance of identifying a five year supply of deliverable housing sites. The footnote on page 12 explains that to be deliverable sites have to be available now, be in a suitable location for housing, achievable with a realistic prospect that housing will be delivered in the next five years, and viable. Sites with planning permission should be considered deliverable unless there is clear evidence that they will not be delivered within 5 years, or that there is no longer demand for the type of units or they have long term phasing plans.

Paragraph 49 sets out that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies

for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable sites.

- Paragraph 215 – sets out the weight to be given to development plan policies according to the stage they have reached, the extent to which there are unresolved objections and the degree of consistency with the framework.

5.2 The NPPF is a material consideration in the determination of all planning applications. It provides very clear guidance as to how decision makers should proceed when LPAs are unable to demonstrate a 5YHLS. It is also clear that all applications for residential development should be considered in the context of sustainable development regardless of the 5YHLS or whether the relevant policies can be considered to be up to date.

5.3 The NPPG CD3.2

The National Planning Policy Guidance is relevant to the appeal in terms of the Housing and Economic Land Availability Assessment. Paragraphs 030, 031, 032, 033, 041 are the most significant. These paragraphs deal with what is regarded as deliverable and developable, and that the five year housing land supply calculation is an annual report of specific deliverable sites for five years' worth of housing set against the housing requirement.

5.4 Recent Appeal decisions.

There are two recent appeal decision in Telford and Wrekin which are material to the consideration of this Appeal.

Appeal at Muxton By Gladman Developments. Ref APP/C3240/W/15/3010085

This Appeal was heard at an Inquiry on the 26-38 January and 2-3rd February 2016. Evidence was given in that Appeal regarding the housing requirement for Telford and

the availability of land to meet the requirement. The Inspector dismissed the Appeal, however on application Gladman appealed the decision. The Secretary of State acceded to judgement and the decision has been quashed. This Appeal is due to be re heard in February 2017. The Secretary of State acceded to judgement on the basis that paragraph 14 of the NPPF was engaged, the development plan was out of date and the presumption in favour of development applied.

Appeal at Haygate Road Wellington Ref APP/C3240/W/15/3025042 CD8.20

This Appeal was heard at Inquiry on the 16th February 2016. Evidence was given in the Inquiry regarding the housing requirement for Telford and the availability of land to meet that requirement. The Appeal was for 330 houses. The Inspector concluded on the following matters:-

Wrekin Local Plan

24. Against this backdrop I note that WLP Policy H9 deals specifically with a maximum of 150 dwellings allocated for the Rural Area (namely outside the settlement boundaries of Telford and Newport), as is made clear in unsaved Policy H8, and elaborated upon in saved Policy H10. The relevance claimed by the Council is that Policy H9 prohibits development outside the settlement boundary of Telford, except in the exceptional circumstances detailed in Policies H1816 and H2417. However, whilst it is clear that neither of these exceptions are applicable in this case, more importantly the supporting text to Policy H9 not only makes it plain that the policy is intended to relate just to specific "suitable" rural settlements, but also to cater for development only up to 2006.

25. There is no firm evidence before me to indicate that the settlement boundaries applicable in 2006 are still appropriate today and are consistent with the Framework's objective of boosting significantly the supply of housing. Indeed, as became apparent at the inquiry, the Council's current 5 year housing land supply contains a number of sites which fall outside existing settlement boundaries¹⁸. Moreover, the Council has recently granted planning permission for a major, mixed-use development which includes the provision of some 1,100 houses on a site outside the existing boundary of Telford at Priorslee¹⁹, a matter to which I return shortly. These points indicate to me that the former settlement

boundaries cannot be viewed as inviolable and that this policy does not reflect Framework guidance.

26. In light of these points I am not persuaded that WLP Policy H9 should carry any material weight in this appeal.

Core Strategy

32. It is against this backdrop that I have to consider whether TWCS Policies CS1, CS3 and CS7 can be considered up-to-date and, if not, what weight should reasonably be given to them. I agree with the main parties that Policy CS1 is out of date as it refers to housing figures which were based on now-revoked Regional Guidance. The relevance of Policies CS3 and CS7 to the current proposal is that they seek to restrict development to existing urban areas, in particular Telford. Policy CS7 deals explicitly with the rural area, stating that development within that area will be focussed on the same 3 settlements which feature in saved WLP Policy H9, but goes on to say that outside these settlements development will be limited and, within the open countryside, will be strictly controlled.

33. However, this latter point, in itself, demonstrates that this policy is not up-to-date and in conformity with the more recent planning policy context established by the Framework, where to boost significantly the supply of housing.

35. In view of all the above points, and notwithstanding the fact that the TWCS remains part of the statutory Development Plan, I have to conclude that Policies CS1, CS3 and CS7 are out-of-date, and should not be given full weight in this appeal, when assessed alongside the guidance in paragraph 215 of the Framework.

47. Having regard to all the points detailed above I find it very difficult to reach a firm conclusion as to the robustness and reliability of the competing OANs, but in this case I do not consider it necessary for me to have to reach any such conclusion. I take this view because, as already noted, the fact that policies referred to in the Council's putative reasons for refusal are out of date means that this proposal falls to be determined against the second bullet point of the decision-taking section of Framework paragraph 14, regardless of whether or not a 5 year housing land supply can be demonstrated. In these circumstances I

consider it appropriate to assess the differing results which flow from both of the OAN figures.

The 5 year requirement

51. The Council maintains that as the former housing provision figures of 1,330 dpa for 2007-2011 and 700 dpa for 2011-2021 contained in the Regional Strategy (RS) for the West Midlands⁴⁸, were only ever meant to be maximum requirements, the provision of a lesser figure than the *se maxima* cannot be considered to represent under-delivery. However, despite its adherence to this stance at the inquiry, the submitted evidence indicates that the Council had been quite content to acknowledge a persistent under-delivery against the RS⁴⁹ figures as recently as 2013. At that time its 5 year Housing Land Statement acknowledged that a 20% buffer was appropriate⁵⁰, having regard to its housing delivery performance against what it was happy to refer to as a target, arising from the RS figures.

52 In light of these points I do not consider it unreasonable to apply a 20% buffer to the 5 year housing figure. With the Council's figures this would give an overall requirement of 2,982 (an annual requirement of 596 dwellings), whilst with the appellant's figures this would rise to 6,487 dwellings, equivalent to 1,297 dpa. However, if I am wrong in my assessment of the appropriate buffer, then with a 5% buffer the total 5 year requirement with the Council's figures would be 2,609 dwellings (521 dpa) or 5,676 dwellings with the appellant's figures (1,135 dpa).

- 5.5. In the *Richborough* case¹ CD 6.1 Lindblom LJ made clear that a wide interpretation of what policies should be considered as relevant to the supply of housing was to be applied. This does not mean that those policies were to be disregarded but it is for the decision-maker to determine as a matter of planning judgment how much weight those policies should be given². He observed that because the NPPF represented Government policy then it is "*likely always to merit significant weight*" but the court would not intervene unless the weight given to it by the decision-maker was *Wednesbury*

¹ *Suffolk Coastal District Council v Hopkins Homes Ltd & SSCLG*; and *Richborough Estates v Cheshire East BC & SSCLG* [2016] EWCA Civ 168.

² Para 47.

unreasonable³. The logic to such an approach is clear ; if the policies in the Development Plan are not delivering the national policy imperative to boost significantly the supply of housing then that will affect the weight afforded to them by the decision-maker.

- 5.6 In the *Cheshire East* case CD6.12⁴ there was a challenge to an appeal in which outline planning permission was granted for up to 60 dwellings in open countryside in Crewe. Of particular significance is that the Inspector had firmly adopted the position that no prior or parallel assessment of sustainable development was needed before the presumption applied but the sustainability of a proposed development is to be judged by a positively weighted balancing of the benefits and adverse impacts against the policies of the NPPF as a whole. The judge effectively endorsed that approach⁵.

³ Para 42.

⁴ *Cheshire East v SSCLG & Renew Land Developments Ltd* [2016 EWHC 571 (Admin)].

⁵ And declined to follow the approach of Patterson J in the *William Davis* case and Lang J in the *Wenman* case.

6 The Planning Considerations

6.1 This section will deal with the following matters

- 1 The Development Plan
- 2 The Emerging Local Plan
- 3 The NPPF and
Sustainable Development & Affordable Housing & Boosting the Housing Supply
- 4 Landscape Matters
- 5 Third Parties Representations
- 6 The Planning Balance
- 7 Five Year land Supply
- 8 Planning Balance

6.1.1 The Development Plan

The Development Plan comprises the Telford and Wrekin Core Strategy and Saved Policies from the Wrekin Local Plan. The Policies relied on by the LPA in the reason for refusal are Core Strategy Policies CS 6 ,7 and 11; Wrekin Local Plan Policy OL6 . The Core Strategy Policies relied on by the Council relate to the strategic role of Newport, the strategic role of the rural areas and the protection of open spaces.

6.1.2 The Core Strategy envisaged a development strategy over the period 2006 to 2016. The development strategy is set out in CS1 which sets out the number of new dwellings to be delivered up to 2006 and then up to 2016. The housing figures within CS1 are derived from the West Midlands RS. Policy CS1 sets out the spatial distribution of the housing growth to Telford where the majority of new homes were to be located, Newport where 60 dwellings per annum would be required and within the rural areas where 170 new dwellings would be required. The following Policies

in the Core Strategy CS 3, 4 and 5 set out within Telford where the growth would be focused and similarly in Policy CS6 for Newport the Policy sets out what new development is expected to achieve in term of affordable housing and regenerative effects. The Core Strategy Policy CS1 is out of date because it relies upon the housing figures from the now abolished RS and consequently both the quantum of development in CS1 and the distribution of that development envisaged in that Policy and Policies CS6 and CS7 are also out of date.

- 6.1.3 In addition to the Core Stagey policies deriving from the RS, the Core Strategy itself has an end date of 2016. The Inspector examining the CS had concerns regarding the potential for housing delivery and the plan extends only to 2016 to allow for an early review of the Plan to ensure future delivery of housing beyond 2016. The recommendation at para 3.20 and 3.21 of the Inspectors report make clear that the Plan would be unsound unless the plan period was shortened to 2016 to take account of the uncertainties beyond that point. CD3.10. Clearly an early review of the Plan has not taken place and indeed no sites have been allocated to implement the housing strategy as part of a sites allocation DPD, and no plan led system has been in place to bring forward housing development.
- 6.1.4 The Core Strategy Policies CS 1 and CS 6 are therefore deemed to be out of date on the basis of the above matters. It is understood from the previous Appeal decision at Haygate Road Wellington and para 27 of the Inspectors report and recent reports to Planning Committee for TWC.2013/0855 land at Station Road Newport, that the Council accept that Policy CS1 is out of date as far as the housing figures are concerned.
- 6.1.5 It is also clear that the Policy is out of date as far as the distribution of housing and the role of Newport is concerned, as the RS specified a role for the Market Towns which is no longer a development plan requirement and which will be re evaluated upon the testing of a new local plan strategy and the consideration of sustainable development locations.

6.1.6 Policy CS7 was considered by the Inspector in the Haygate Road Wellington Appeal. He found that CS7 which seeks to control development outside the 3 named rural settlements was out of date and not in compliance with the framework. He found that CS7 was out of date for the following reasons:-

- It is not in compliance with the framework which seeks to boost the supply of housing and does not give blanket protection to the countryside
- It does not take account of sustainable development locations
- The Council have permitted development outside the development boundaries of Telford in breach of CS7 thereby acknowledging that it was out of date.

6.1.7 The relevant development plan Policies CS1 and CS7 cannot be considered up to date. The amount of development required in CS1 stems from the revoked RS and cannot therefore be regarded as up to date. CS7 is a restrictive policy that seeks to limit development outside all development boundaries and cannot be regarded as up to date in the current situation where it is clearly out of step with the NPPF and where the Council themselves have granted planning permissions outside those boundaries. The boundaries themselves date from the Wrekin Local Plan of 2000 and which have remain unrevised until a new Local Plan is adopted.

6.1.8 Policy CS11 of the Core Strategy deals with Open Space. The Policy seeks to protect informal and formal open spaces within the context of the development needs of the Borough. This Policy is protecting existing informal and formal open space. The Appeal site does not comprise open space as envisaged within the terms of the Policy. The explanation at para 9.66 distinguishes between open spaces and the countryside. It is clear from para 9.68 that the policy applies to all open space, it goes on to say that areas that areas classified as open space are of unequal value, but that areas of particular value should be protected and enhanced. Para 9.69 goes on to say that work will be undertaken to identify and protect open space areas and an SPD will help deliver enhancements and management of open spaces. The Appeal site does not carry any open space designation and is not part of an area designated as open space.

The Council's statement of case makes no reference to CS11 or how the site is deemed to be open space under the provisions of this policy. The Council does not have an SPD on open space and no other adopted documents are referred to in either the Committee Report or the Statement of Case. Indeed the Committee report and Statement of Case go on to refer to a Policy from the Wrekin Local Plan which deals with open space under OL6. It is not considered that CS11 applies to the Appeal site.

6.1.9 **Wrekin Local Plan Policy OL6.**

Policy OL6 is a saved Policy from the Wrekin Local Plan of 2000. The Policy indicates that land in and adjacent to urban areas will be protected where that land contributes to the character and amenity of the area. Para 8.3.22 of the Plan states that many of the sites to which the Policy applies are within Newport including those marked on the Proposals Map. There is within the Plan no definition of what is a locally important incidental open space, and there is nothing within the Plan to explain why areas may be subject to the Policy other than those defined on the proposals map.

The Policy explanation indicates that sites to which the Policy may apply are “within Newport” and although there is no express definition of what this means it is considered that this cannot mean land outside the development boundary of Newport as shown on the Inset Plan which would otherwise have been covered by Policy OL7 which dealt with development in the open countryside and would have applied to the Appeal site that Policy has not been saved.

6.1.10 The Policies from the Development plan are reviewed above. On the basis of that review it is considered that policies CS1 and CS 7 are out of date. Policy CS11 does not apply to the Appeal site and is not advanced as such within the Council's statement of Case. Saved Policy OL6 is also not considered to apply to the Appeal site given that Policy OL7 would have applied until removed from the Plan. The site is not incidental open land but agricultural land currently outside the settlement boundary. The development plan is therefore out of date in terms of the relevant policies and consequently paragraph 14 of the NPPF is engaged in this case

6.2 **The Emerging Local Plan** CD3.13

- 6.2.1 The emerging Telford and Wrekin Local Plan 2011-2031 publication version is the emerging Local Plan and is not the development plan against which the Appeal should be determined. The Council cite SP2 of the emerging local Plan as part of the first putative reason for refusal and contend that the proposed development is contrary to this Policy.
- 6.2.2 Policy SP2 of the emerging local plan supports the delivery of 1,200 net new homes to Newport over the plan period. The policy indicates that housing over and above that already committed or identified in the Plan will be prioritised on previously developed land. All development will respect and enhance the quality of the towns built and natural heritage.
- 6.2.3 The emerging Local Plan proposes a green network in Policy NE6 and proposes that the Appeal site and adjoining land north of Plough Lane and land south of the Appeal site north and south of the Shropshire Union Canal be allocated as green network. The green network is defined as an interrelated network of strategic open spaces. The Council do not cite this Policy in the reasons for refusal but it is mentioned within the committee report, as a standalone comment
- 6.2.4 There are outstanding objections submitted to both Policy SP2 and NE6 of the emerging local plan which remain unresolved. The objections relate to level of new development in Newport over the Plan period and the function of the Appeal site. These objections remain unresolved at the time of writing this evidence.
- 6.2.5 The NPPF indicates at Para 216 that weight may be given to emerging local plans depending on the stage that the Plan has reached, the extent to which there are unresolved objections and their significance to the Plan and the degree of consistency with the NPPF. In this case there are unresolved objections made to the emerging plan that go to the heart of the Plan. These objections relate to the amount of new housing to be delivered in Telford and Wrekin District based on the OAN. and how this meets the requirements of the NPPF to boost the supply of housing.

There are detailed objections to the Councils OAN proposals from Redrow and from other development interests. There are objections that relate to the distribution of the development that is required and how the development should be apportioned between Telford, Newport and the Rural areas. These objections are very significant to the Plan and its fundamental considerations.

On this basis little weight should be given to the emerging plan as clearly these matters remain unresolved and will be unresolved at the time of the Appeal hearings. The Council themselves acknowledge in their Statement of Case that the Plan can only be given limited weight.

6.2.6. The amount of development in Newport envisaged in both the Core Strategy and the emerging Local Plan is approximately 60 units per year. The Core Strategy over the years 2006 to 2016 would have required the delivery of 600 new homes. At March 2016 the total delivery in Newport over that period was 557 dwellings therefore short of the Core Strategy proposed delivery.

6.2.7 Taking the new local plan period from 2011 the current level of completions and commitments in Newport since 2011 as at March 2016 comprised 387 completions, 109 dwellings under construction and a further 315 plots with Planning Permission. These 811 plots being the existing commitments; in addition to these committed or completed sites the Council propose to allocate a further site at Newport Ref H 13 on land west of Station Road for a further 120 units. The land supply tables of October 2016 indicate that a further 265 plots have a resolution to grant planning permission. There is in addition to the sites listed a further resolution to grant permission on land west and east of Station Road for a further 350 dwellings. These existing commitments and allocations amount to 735 dwellings. The Appeal site is estimated to deliver around 130 new homes, this would bring the level of development to 1,676 over the entire plan period if all the sites deliver those dwellings within the plan period. Even without the Appeal site of 130 dwellings the level of development over the plan period would be 1,546 dwellings which is some 346 over the proposed new local plan allocation. It is clear from the completions and commitments that the Policy SP2 proposed in the emerging local plan is out of step with the planning

permissions, proposed allocations and resolutions to grant already made by the Council. The addition of 130 new homes on the Appeal site does not in my view take the level of development beyond what is acceptable to the settlement. The housing sites on the western side of Newport are all well contained by the A 41 which provides a logical boundary to the town, and the Appeal site lies within the same relationship as the sites already committed and under construction. The geography of the settlement is also such that the peripheral allocations, commitments and proposals are approximately all equal distances from the centre of the town.

6.2.8 A review of the planning permissions granted and resolutions to grant in Newport indicates that the Council has found the development of these sites acceptable in the circumstances where they considered that a five year land supply existed. The sustainability of the sites has outweighed any conflict with the development plan in the Councils analysis.

6.2.9 **TWC/0827**

Land North of Audley Avenue. CD9.2

Proposed development of 215 homes public open space and allotments.

The report on this application was considered at committee on the 24th June 2015 and it was reported

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Whilst the local authority has identified a five year housing land supply based on the Objectively Assesed Housing Needs study, this does not imply that development which is sustainable should not be granted approval, and does not remove the NPPF requirement to 'boost significantly the supply of housing'. In response to the assertion that Newport has experienced a disproportionate amount of new housing permissions, it should be noted that Policy CS1 establishes the level of delivery expected across the borough for the period 2006-2016. Policy CS1 identifies a specific figure for new homes to be delivered in Newport, at approximately 60 dwellings per year, equating to approximately 600 dwellings over the 10 year plan period. When comparing actual delivery of new homes over the latest monitoring

period (2006-14) with the requirement of 600, there is a shortfall in delivery. This is due to the fact that in the 8 years between 2006-14 only 304 dwellings were actually built against the requirement for 480 dwellings (60 dwellings x 8 years) which gives a shortfall of 176 dwellings and equates to a delivery rate of 38 dwellings per year (compared to the required 60 per year). Therefore, whilst it is accepted that a significant number of sites have been brought forward through the planning application process in recent years, overall delivery still falls short of the policy requirement of 60 dwellings per year. It is recognised that there is an existing supply of commitments of 442 dwellings in Newport, as stated in the Annual Monitoring Report (2014). However, only 64 of these were under construction at April 2014. As of April 2015 the AMR is indicating approximately 87 dwellings have been completed, 118 are under construction and there are 625 dwellings with permission but not yet started (this is still a work in progress, still subject to checks and has not yet been published). There and there is no certainty or guarantee at this time that the remainder will be built out in full. Consequently, this site will assist in the delivery of additional homes in Newport as required under Policy CS1. The Borough now has a five year supply of deliverable housing but this does not mean that it should now refuse planning applications for housing development. In the context of the NPPF, the Council as LPA should seek to ensure that it continues to maintain this five year supply going forward.

The report went on to say that the scheme was a sustainable addition to Newport and that there was a pressing need to support and encourage a younger working population in Newport, that market and affordable housing was necessary to help achieve a balanced community. The Planning Officer therefore maintained a recommendation for approval as the development was a sustainable development in accordance with the Core Strategy and the NPPF. It is important to note that the site lies principally outside the current development boundary and is a green field site including a sports ground. The site does not yet currently have a planning permission.

6.2.10 TWC/2013/0855 CD9.3

Land R/O Willow Tree Cottage North of Station Road

Land to the rear of Willow Tree Cottage, Station Road, Newport, Shropshire

Erection of 50 dwellings with associated parking, garages and access

This application was last considered at Planning Committee on the 29th June 2016. the report indicated that the Council considered that a five years supply of housing land was available, but the Planning officer recommended approval on the basis of the site being a sustainable development.

“3.7 The site is located on the southern edge of Newport adjacent to existing development and outside but adjacent to Newport’s built up boundary. The site is also well located close to a range of services and facilities provided by Newport town centre and would be well located in terms of employment and service provision. The proposed housing can be viewed in terms of supporting and maintaining the vitality of Newport Centre and its role as a market town. Accordingly, the site is considered to represent a sustainable form of development that accords with the development plan policies and the criteria in NPPF. Officers therefore maintain the view that the proposal represents a sustainable form of development to the south of Newport in accordance with the Core Strategy and policy aim of promoting Newport’s market town status and the NPPF’s focus on promoting sustainable development. This position has not changed since members’ previous resolution to grant. “

6.2.11 TWC/2011/0871 CD9.4

Land to the East and West of Station Road, Newport, Shropshire

Erection for up to 350 no. dwellings (Use Class C3); extra care housing (Use Class C2); 4.5ha of employment land (Use Classes B1, B2 and B8); public open space and landscaping provision including sports pitch and landscaped park; demolition of existing industrial buildings; highway works and associated infrastructure development

This application was last considered at Planning Committee on the 24th June 2015

The Officer reported at para

“Whilst the local authority has identified a five year housing land supply based on the Objectively Assessed Housing Needs study, this does not imply that development which is sustainable should not be granted approval, and does not remove the NPPF requirement to ‘boost significantly the supply of housing’. In response to the assertion that Newport has experienced a disproportionate amount of new housing permissions, it should be noted that Policy CS1 establishes the level of delivery expected across the borough for the period 2006-2016. Policy CS1 identifies a specific figure for new homes to be delivered in Newport, at approximately 60 dwellings per year, equating to approximately 600 dwellings over the 10 year plan period. When comparing actual delivery of new homes over the latest monitoring period (2006-14) with the requirement of 600, there is a shortfall in delivery. This is due to the fact that in the 8 years between 2006-14 only 304 dwellings were actually built against the requirement for 480 dwellings (60 dwellings x 8 years) which gives a shortfall of 176 dwellings and equates to a delivery rate of 38 dwellings per year (compared to the required 60 per year). Therefore, whilst it is accepted that a significant number of sites have been brought forward through the planning application process in recent years, overall delivery still falls short of the policy requirement of 60 dwellings per year. It is recognised that there is an existing supply of commitments of 442 dwellings in Newport, as stated in the Annual Monitoring Report (2014). However, only 64 of these were under construction at April 2014. As of April 2015 the AMR is indicating approximately 87 dwellings have been completed, 118 are under construction and there are 625 dwellings with permission but not yet started (this is still a work in progress, still subject to checks and has not yet been published). There is no certainty or guarantee at this time that the remainder will be built out in full. Consequently, this site will assist in the delivery of additional homes in Newport as required under Policy CS1. The Borough now has a five year supply of deliverable housing but this does not mean that it should now refuse planning applications for housing development. In the context of the NPPF,

the Council as LPA should seek to ensure that it continues to maintain this five year supply going forward

6.2.12 The Committee Reports for the resolution to grant sites in Newport illustrate that upon consideration of the fact that a five year land supply was available to the Council, the Planning Officer recommended approval in all three cases after a reconsideration of the position following a review of the land supply on the basis that

- A five year land supply does not mean that planning permission which is sustainable should not be granted
- The NPPF requires a boost to the housing supply
- That Newport had not delivered homes as anticipated in the Core Strategy Period
- That there was no guarantee that the “ commitments “ would all be delivered
- The sites represent sustainable development proposals.

6.2.13 The Councils position with regard to the resolutions to grant and the grant of Planning permission of additional sites in Newport indicates that they were concerned that the provisions of CS1 were not being met in term of the housing delivery and considered that all of the committed sites may not come forward to deliver the requirements of CS1. They were unconcerned in all of the cases reviewed that there was any over commitment in Newport against the Core Strategy requirements and gave little weight to the emerging plan. The imperative was to bring forward sustainable sites to assist in the delivery of both market and affordable homes, to boost the housing supply and the economic and social base of Newport.as a market town.

6.3 The National Planning Policy Framework

- 6.3.1 The Framework is material consideration in the determination of this Appeal. The framework makes clear that there is a presumption in favour of sustainable development which is the golden thread running through both plan making and decision taking. The Appeal scheme is a sustainable development, it will boost the supply of housing including the supply of affordable housing and provide new homes in a sustainable location.
- 6.3.2 The framework identifies at paragraph 7 the three dimensions to sustainable development economic social and environmental. The Appeal proposals represents Sustainable development when considered against the three elements of sustainable development set out in the NPPF.
- 6.3.3 The Economic Role

The provision of 130 new homes on the Appeal site will provide an economic role in the provision of development land to meet the needs of the housebuilding industry.

This will stimulate and support a wide range of jobs in the construction industry and in the related trades and industries that thrive as a result of new housebuilding activity.

This economic effect has both a local effect in terms of increased trade to local business and a national effect though the wellbeing of the national housebuilding companies their shareholders and those who rely on incomes from those companies both directly and indirectly through investment. .

The site will provide improved housing choice and competition in the market place for new homes. This will assist in providing purchasers with competitive rates and a range of homes to meet the variety of needs of individual purchasers.

New residents on the site will increase the spending power available in Newport to support the individual shops and services available in the town which in turn will support the role of Newport as a market town and service centre.

6.3.4 The Social Role

The proposed development will support the social role of sustainable development by the provision of both market and affordable homes to meet a wide range of housing needs. The scheme will provide for a mix of house types and sizes that will assist in the creation of a healthy community. It will enable housing choice and access to new homes that is crucial to the national interest to provide sufficient homes for the people to live in.

6.3.5 The evidence of Mr James Stacey deals specifically with affordable housing and he sets out at Para 5.13 that the delivery of affordable homes in the Borough since 2000/1 to 2014/15 there has been an average delivery of 27% or 166 affordable homes per annum against a need of 665 homes every year. He goes on to state that in Newport the delivery of affordable homes has fallen way short of the identified needs and since 2006/7 only 55 affordable homes were delivered in Newport. The need established by the 2016 SHMA is for 101 net affordable homes per annum. It is clear therefore that there is an urgent need for an uplift in the delivery of affordable homes to address the needs in Newport. It is crucial that affordable housing is delivered to assist in meeting the homes. Redrow Homes are an experienced housebuilding Company in constructing market homes and homes for social housing providers. The provision of affordable homes in this context is extremely important and is a key element of the sustainability credentials of this development.

6.3.6 The housing that will be delivered on this site will comprise a range of homes designed to meet the needs of present and future occupiers and built to a high standard of design within an attractive layout to ensure that future residents can experience a sense of wellbeing in their environment.

6.3.7 The accessibility of the site to local services and facilities is an important part of the creation of a high quality living environment. The Appeal site has the advantages of

linkages both along the highway network via Forton Road but also access to the central areas of Newport via the footpath network and the walkways alongside the Shropshire Union Canal which provide an attractive walk from the Appeal site to the Town Centre.

6.3.8 The Environmental Role.

The development proposed as shown on the Masterplan and also within the evidence of Mary o Conner illustrates how the development will sit within a landscaped setting and provide both an attractive place within which to live, and a development that has taken full account of the landscape characteristics of the site and the surrounding areas. The key landscape features on the site are noted as being the presence of the two mature oak trees, and the green boundaries of the site which divide the site from the A 41 by pass in the east. The presence of the footpath on the site boundary that runs along Plough Lane in the north around the eastern periphery to the line of the Shropshire Union Canal is also a key environmental asset. The proposed development therefore contributes to and protects the environment of the site by the design of a housing layout that respects these features and ensures that access into the footpath facility and the open areas of the site is maintained and enhanced.

Some 1.96 hectares of the site will remain undeveloped including the land to the south of the site, where the sustainable urban drainage system is located and where the second mature Oak tree is located. This area will become public amenity space for informal recreation

6.3.9 The layout design incorporates additional tree planting within the development along the estate roads, and at the edges of the open space areas as well, as maintaining the green edges to the site. This will enhance the biodiversity opportunities on the site of the site.

6.3.10 The design of the layout means that residents will be a short distance from open land for informal recreation, have access onto the footpath network and that views from the footpath adjacent to the Shropshire Canal will be over the open land and new planting.

6.3.11 The construction of the new dwellings will be to a high quality design code and sustainably constructed to ensure the efficient use of natural resources.

6.3.12 Boosting the Housing supply

The NPPF sets out in the chapter headed “ Delivering a wide choice of high quality homes “ that to boost significantly the supply of housing local authorities should take certain actions. The actions include making sure that a supply of five years’ worth of deliverable sites are available. It makes clear in para 49 that housing application should be considered in the context of sustainable development. That paragraph goes on to say that relevant policies for the supply of housing will not be up to date when an authority cannot demonstrate a five years supply of land.

6.3.13 This development is a sustainable development proposal as detailed above; the development will boost the supply of housing in accordance with the requirement of the NPPF, and very importantly will boost the supply of the much needed affordable homes in Newport which are demonstrably falling short of what is required to deal with the demands evident in the latest SHMA documentation.

6.3.14 the proposed development fully meets the aims of the framework to deliver new homes to boost the supply of housing in a sustainable manner. There are no adverse impacts arising from the development which outweigh the benefits of the scheme as a whole. The Councils forth reasons for refusal set out that the development will cause harm to the character and appearance of the wider landscape and this matter is reviewed in the next section.

6.4 **Landscape Considerations.**

- 6.4.1 The Council set out in their putative reason for refusal number 4 that there is insufficient information to assess that the proposed development can be accommodated on the site without causing harm to the character and appearance of the wider landscape. They consider that the development is contrary to the design criteria policy in the Wrekin Local Plan and contrary to the aims of C S 15. The Council throughout the time that this application was with them to determine some 15 weeks did not seek any further information regarding the layout and potential landscape impacts. The current masterplan however has been changed since the original proposals and has amended the layout with regard to the relationship to the two mature oak trees to ensure their retention as landscape features within the site and to increase the areas of open land around both trees. This amendment resulted in a change to the proposed internal road network around the central oak and the removal of dwellings in the south east area of the site around the southern oak tree. More detail has been added to the boundary with the A 41 showing the existing depth of tree cover and the green planting that exists on that boundary with the A 41. Peripheral planting along the southern edge of the development adjacent to the proposed open land edge of the development has also been introduced.
- 6.4.2 These changes to the proposed layout have the effect of softening the edge of the development against the proposed open areas and ensuring that within the housing layout itself open areas are planned to ensure visual breaks within the development itself. They also ensure the protection of the two mature oak trees and the retention in open use of the land that runs down to the Shropshire Union Canal. All of the changes described serve to ensure that the layout is compatible within its landscape setting; that the features of importance within the landscape setting are retained and safeguarded and that a development with a sense of place and character is achieved. The Masterplan also ensures that new residents occupy an attractive housing site with a layout that gives access to open land and amenity space that the open areas are overlooked and provide enjoyable amenity spaces. The development

proposal has as a central feature around the mature oak that gives a sense of place and character to the proposed development.

6.4.3 The evidence of Mary O Conner deals specifically with the impact of this development on the landscape and includes a “proving layout “to demonstrate that the site development will protect the important landscape features and is an appropriate development in this location. The proposed layout as amended and described above is not out of step with either Policy CS15 or UR 2. The scheme meets the test of CS15 in providing a development with a local identity, a positive image and a positive use of the local environment.

6.4.4 It is not clear from the reason for refusal how the proposal is considered by the Council to be out of step with detailed Policy UD2. that Policy includes nine elements of urban design principles but it is considered that against that Policy the scheme responds in a positive way to each of the tests as described above and as set out in detail in the landscape evidence of Mary O Conner.

6.4.5 The Appeal site and the surrounding areas does not enjoy any special landscape protection policies and does not fall within any of the categories set out in the NPPF at footnote 9. The Appeal scheme demonstrates in the amended masterplan that the site can be developed so as to retain the important landscape features; and that the development is appropriate within its wider landscape setting; as such there is no harm from the proposal in this regard either to the Development Plan policies UD2 and CS 15 or to policies in the Framework .

6.5 **Third Party Objections**

6.5.1 Third party objection letters were received by The Planning Authority to the application ref TWC/2015/1003 now the subject of this Appeal. We are in receipt of two representations from third Parties received in response to the Appeal They are considered below

6.5.2 41 Beechfields Way

This submission related to the Appellants decision to Appeal , the main concern is that the area should remain green and never be developed in accordance with the Telford and Wrekin Plan.

6.5.3 14 Beechfields Way

This submission makes the following comments, The traffic figures for Beechfields Way are inaccurate, the proposed roundabout will be difficult to traverse; public transport is inadequate, impact of construction on residents, the development will impact on the Oak trees and the Canal; some properties will be on a steep gradient; the density and layout does not fit into the surroundings.

6.5.4 In response to the issues identified as concerns we make the following responses.
Highways.

Both the level of traffic generated and the road design are agreed in principal with the Highway Authority. There is no new evidence to suggest that the proposed road design and traffic generation is in appropriate. The mode of transport available from the site to existing facilities include walking cycling as well as public transport. Refer to SOCG

6.5.5 Site layout, gradient density

The application is in outline form and the layout had been designed in Master Plan Rev A to deal with the site constraints and produce a layout that is in keeping with the adjoining estate. The density of the development is not out of keeping with the nearby development in Kestrel Close and Beechfields Way.

6.5.6 Impact on the Trees and the Canal

The layout has been redesigned to allow the land around the two mature Oak trees to remain undeveloped and to protect their setting. There is no development proposed adjacent to the Canal which adjoins the southern corner of the development and there is no adverse impact upon this feature.

6.5.7 Planning Policy

The response to Planning Policy is set out in the previous sections of this evidence, the site is not allocated as green space in the Wrekin Local Plan. Any future proposed designation is the subject of an objection to the Local Plan Examination.

6.6 The Planning Balance.

6.6.1 The balance of the planning considerations as set out in the previous sections is as follows:-

Firstly

The Appeal proposal is a sustainable development that fulfils the economic social and environmental roles of sustainable development as set out in the Framework at paragraph 7. The sustainable development that will come forward with this scheme includes the provision of both market and affordable homes to boost significantly the supply of housing in accordance with the objectives of the Framework, provide economic significant benefits through construction, choice of homes and an increase in the economic base of Newport to support the role of the Market Town. There are environmental gains through the development of an attractive place to live in a landscape setting that provides for a sustainable living environment through the construction codes, the provision of sustainable urban drainage and the ability to provide new planting and landscaping within the site area to increase biodiversity.

Substantial weight should be given to the delivery of new affordable homes in this location as set out by Mr James Stacey in his evidence at para 7.13. He refers to many appeal decisions where the Secretary of State has attached great weight to the provision of affordable homes.

6.6.2 The sustainability of this development proposal including the delivery of affordable homes is a material consideration in the Appeal. If there was deemed to be any conflict with the development plan policies then the sustainability of the scheme and the delivery of affordable homes should outweigh any conflict with these policies and Planning Permission should be granted on this basis.

6.6.3 The practical approach to sustainable development was succinctly set out in the recent Appeal decision APP/L3115/W/1/3003656 on land north of Long Copse Lane Westbourne CD 8.35. In this appeal the Inspector noted at para 35 the location of the development is outside the settlement boundary and in conflict with adopted local plan

- policies. This was however not in itself sufficient to refuse planning permission without further consideration as to whether the proposal represented sustainable development.
- 6.6.4 There is no requirement on an applicant to show there is a shortfall in the five year supply of housing land in order to secure planning permission. The five year supply is not a ceiling as the Inspector put it so clearly in the **Launceston** appeal (CD 8.1). This is clear from a now growing number of appeal decisions. Please see also **Whittle-le-Wood** in Chorley Borough (CD8.5), **Essington** in South Staffordshire District (CD 8.4), **Whetstone** in Blaby District (CD 8.6). It has been confirmed also in cases where there is an up to date Local Plan or Core Strategy, such as the decisions at **Drakes Broughton** in Wychavon District (CD 8.28 and 8.29) **Northwich** in Cheshire West (CD 8.30, the two decisions from **Davenham** in Cheshire West (CD 8.7 and 8.16) **Mickleton** in Cotswold District (CD 8.18) and **Shepshed** in Charnwood Borough (CD 8.17). It has also now been confirmed by the Secretary of State – **Hook Norton** in Cherwell (CD 7.6). This latter decision was unsuccessfully challenged by the LPA in the High Court. It was also the conclusion of the Inspector who granted planning permission for at **Ludlow** in Shropshire (CD 8.33). These are but a selection of the ones that the Appellant is aware of from an ever growing number.
- 6.6.5 The point is particularly well explained by the Inspector in second Drakes Broughton decision (for 120 houses in the village) at paragraph 37 (CD 8.28). The Inspector acknowledged that without a 5YS, then one applies the normal planning balance and the not “tilted” or “weighted balance” in NPPF/14 (paragraphs 38-41). But that one then looks at the economic, social and environmental role of sustainable development and assess the proposal against that.
- 6.6.6 The Appeal decisions Ref APP/A0655/W/14/3000528 at Hill Top Farm Northwich CD 8.30 and APP/A0665/A/14/2226994 at Fountain Lane Davenham CD 8.7 highlight the importance of the role of sustainable development. In both of these appeals in Cheshire West, the Council were able to demonstrate a five year supply of housing land but on the planning balance the sustainability of the proposed developments outweighed any harm caused and development plan conflict.

- 6.6.7 This is indeed the approach that the Council have taken in dealing with other applications in Newport which are reviewed at section 6.2.9 to 6.2.11. Whilst they have regarded the development plan policies CS 1 and CS7 as being partially relevant they have concluded on the planning balance that the developments at North of Audley Avenue, East Of Station Road and West and East of Station road are sustainable developments that should be granted planning permission notwithstanding a perceived conflict with CS7 as all of those sites are principally or wholly outside the current development boundary of Newport. Appendix 3
- 6.6.8 Secondly it is not accepted by the Appellants that the development plan policies are indeed up to date or remain relevant in the balancing exercise. Policies CS1 is acknowledged to be out of date as it is based on the housing requirements of the revoked WMRS. It follows that Policy CS 7 is also out of date as that policy treats all locations outside settlement boundaries as countryside. The Council have themselves breached CS7 in the permitting of new development outside the settlement boundaries both in Newport and Telford and it is self-evident that policy is out of step with the Framework and the aim to boost the supply of housing and consequently cannot be regarded as up to date.
- 6.6.9 The Proposed development does not cause any harm. There is no landscape harm as a result of this development and on that basis Policies UD2 and CS15 do not prevent the development from being approved.
- 6.6.10 On this second balancing exercise it is considered that the development plan is not up to date in term of the housing Policies CS1 and CS7. Accordingly paragraph 14 of the Framework is engaged, planning permission should be granted as the relevant development plan policies are out of date and there are no adverse impacts which demonstrably outweigh the benefits of allowing the development.
- 6.6.11 This is the approach taken by the Inspector in the Haygate Road Appeal Ref APP/C3240/W/15/3025042 who concluded at para 143 that the development plan policies were out of date and that taking the approach in paragraph 14 of the Framework

That planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits assessed against the policies in the framework as a whole. In the balancing exercise he gave weight at para 147 to the provision of new homes including affordable homes , together with the social and economic benefits.

6.7 Housing Land Supply

6.7.1 This section of my evidence is set out as follows

The Base Date for the land supply calculations

The OAN

The Accumulated Shortfall

The Method for dealing with the shortfall

The Buffer

The Supply Position

The Target Figures.

Base Date

6.7.2 The base date for the housing land requirement for the next five years is from 1st April 2016 up to the 31st March 2021. This is set out by the Council in their document CD4.13 “Telford and Wrekin Housing Land Supply Statement 2016- 2021 [update Oct 2016] This document calculates both the Councils requirement and their calculation of the deliverable supply.

The Objectively Assessed Need

6.7.3 The Council set out within their Land Supply Statement what they consider to be the objectively assessed need [OAN] for the plan period. The plan period is that of the emerging local plan and covers the period from 2011 to 2031. In part 3 of their document the Council assess the OAN for the plan period as some 9,940 dwellings.

This OAN was based on the work of PBA [Peter Brett Associates] and a report prepared for the Council in 2015. This figure of 9,040 is the base demographic requirement figure from that study, rather than the complete housing requirement as set out in the emerging Local Plan, which sets out a plan period requirement of 15,555 net dwellings. At the request of the Local Plan Inspector Mr Hetherington the Council updated their overall land supply position in October 2016 to reflect the proposed housing target in the Local Plan at Policy HO1 of 15,555 dwellings and at para 6.0.5 of the same document they set out their five year requirement based on the proposed housing target in the emerging local plan . This housing requirement of 15,555 gives an annual requirement of 778 dwellings per annum.

- 6.7.4 There is disagreement between the Council and the Appellants about the appropriate housing target that should be included both in the emerging Local Plan and on an annual basis as the starting point for any five year housing supply calculation. The evidence of Mr Roland Bolton deals specifically with the OAN and the implication for the five year land supply. Mr Bolton's evidence is that the OAN is either 888 or 933 dwellings per annum

The Accumulated Shortfall

There are two ways of looking at the Councils accumulated shortfall .The first is to look at the shortfall accumulated over the current plan period [for the emerging Local Plan is 2011 onwards] As Mr Bolton has provide two figures for the OAN I show the shortfall against both in two separate tables below

TABLE 1 Shortfall since 2011 against an OAN of 888 Dwellings per annum

	Completions	Requirement	Provision
2011-12	720	888	-168
2012-13	607	888	-281
2013-14	842	888	-46
2014-15	1,074	888	+186
2015-16	1,255	888	+367
Totals	4,498	4440	+58

TABLE 2

Shortfall since 2011 against an OAN of 933 Dwellings per annum

	Completions	Requirement	Provision
2011-12	720	933	-213
2012-13	607	933	-326
2013-14	842	933	-91
2014-15	1,074	933	+141
2015-16	1,255	933	+322
Totals	4,498	4,665	-167

The other way of looking at the shortfall is to examine what the Council have failed to deliver over a longer period .This is particularly relevant in the context of Telford . where a very substantial shortfall was accumulated from the period 2006 to 2011. This is the figure in the adopted Core Strategy, which was derived from the WMRS.

TABLE 3

Core Strategy	Target	Net Completions	Shortfall
2006-7	1330	452	-878
2007-8	1330	363	-967
2008-9	1330	462	-868
2009-10	1330	483	-847
2010-11	1330	551	-779
Totals	6650	2311	-4339

The accumulated shortfall from this earlier period is 4,339. One then adds this shortfall to either Table 1 or Table 2. Table 1 results in an accumulated shortfall since 2006 of [4339 -58 some 4281] For table 2 the accumulated shortfall since 2006 is 4506 [4339 + 167]

The Method for Dealing with the Shortfall

- 6.7.5 Any shortfall of housing delivery that has occurred in the earlier part of the plan period should normally be made up in the next five year period wherever possible. This approach is commonly known as the Sedgefield methodology and is seen as the method most appropriate to boost the supply of housing in accordance with the policies in the Framework. In this case the amount of shortfall is determined against either the annual housing requirement as expressed in the emerging local plan figure of 778 dwellings per annum or alternatively against the figures proposed by Mr Bolton of 888-933 dwellings per annum.

The Buffer

- 6.7.6 The Framework sets out at paragraph 47 how a buffer should be applied. The Buffer being either a 5% addition or a 20% addition depending on if there is a record of persistent under delivery. The Guidance at para 035 sets out that in order to assess if there has been persistent under delivery than a local delivery record taking the longer view is likely to be a more robust approach, as that will include the peaks and troughs

of the housing market cycle. In their document “Telford and Wrekin Housing Land Supply Statement 2016- 2021 [update Oct 2016] the Council have calculated the supply position with both a 5% and 20% buffer applied.

6.7.7 In their most recent document of October 2016 the Council have set out that they consider that their record does not constitute persistent under delivery However the Council have changed their position on this matter dramatically since producing earlier versions of their land supply position statements. When producing their report for the Local Plan Update “ Shaping Places “ at Cabinet on 12th December 2013 CD4.16 the Council took the view that there had been persistent underperformance against the Core Strategy and applied a 20% Buffer .

6.7.8 The Council reported to cabinet on 12th December 2013 at para 5.3 that

“In setting a 5 year target, the Council should:

- a) Start with the housing provision target figure in the adopted development plan (adjusted to reflect the level of housing that has already been delivered). The Council’s Core Strategy proposed a housing requirement of 10,850 for the Plan period. This translates into a 5 year target figure of 3,500 for the period 2013-2018;*
- b) Add to this a percentage to account for any under-delivery of housing (in Telford & Wrekin’s case this is 20% identified in table 1 below as a ‘buffer’); and***
- c) Add any ‘shortfall’ or ‘backlog’ in completions to date i.e. number of houses which should have been delivered.”*

In the Councils AMR of 2013 CD 4.15 regarding the buffer the documents set out that:-

2.4.3 The economic climate has changed considerably since the housing requirement was set and therefore delivering an ambitious level of housing growth has been challenging. A consequence of this has been a number of years of under delivery against the adopted target, despite bucking the national trend in maintaining an upward trajectory in housing completions for a number of years.

2.4.4 As well as identifying land sufficient for 5 years, the NPPF requests a buffer should be in place "to ensure choice and competition in the market for land". It is suggested this buffer should be set at 5%, except for where there has been a history of persistent under delivery, then a 20% buffer should be set.

Furthermore in the Five year housing supply statement at April 2013 CD4.17 the methodology set out that an additional 20% buffer was needed to be added because there was under delivery against the Core Strategy Target in CS1, and Table 1., 5 of the document set out the calculation with the 20% buffer and noting that

*“The table also refers to a *shortfall of 4,412 dwellings. The shortfall is calculated from the start of the Plan period to the time of calculation (2006-2013). The shortfall itself comprises the difference between the number of homes that should have been built and those that have been built over this period. The number of homes that should have been built (i.e. the housing target for 2006-2013) is 8050². The number of homes that have been built is 3638. The Council’s shortfall is therefore 4412³.”*

6.7.9 The position over the longer term is clearly reflected below; in the under delivery against the Core Strategy from 2006 -2011, and the position between 2011 to 2016 which also shows under delivery in three of the five years.

TABLE 4.

Councils delivery record from 2006 to 2016 with 888 dpa 2011 to 2016

Core Strategy	Target	Net Completions	Shortfall
2006-7	1330	452	-878
2007-8	1330	363	-967
2008-9	1330	462	-868
2009-10	1330	483	-847
2010-11	1330	551	-779
2011- 12	888	720	-168
2012-13	888	607	-281
2013-14	888	842	-46
2014-15	888	1074	+186
2015-16	888	1255	+367
TOTAL	11090	6809	-4281

TABLE 5**Councils delivery record from 2006 to 2016 with 933 dpa 2011 to 2016**

Core Strategy	Target	Net Completions	Shortfall
2006-7	1330	452	-878
2007-8	1330	363	-967
2008-9	1330	462	-868
2009-10	1330	483	-847
2010-11	1330	551	-779
2011- 12	933	720	-213
2012-13	933	607	-326
2013-14	933	842	-91
2014-15	933	1074	+141
2015-16	933	1255	+322
TOTAL	11315	6809	-4506

6.7.10 The Panel’s Report into the Regional Strategy was published in September 2009 CD4.18 after the adoption of the Core Strategy. The Panel recommended an annual requirement of 1,325 dwellings for the period 2006-2026 which is a similar figure to the requirement in the Core Strategy and the Replacement CF3 table reflected this amount also noting that

“In all parts of the region the allocations should be regarded as targets to be achieved by 2026 “

The Panel report also noted at paragraph 3.89 that

“We therefore conclude that the “minima-maxima” concept is no longer useful, and the provision in Policy CF3 Table 1 for all areas should be regarded as targets to be aimed for.”

6.7.11 On the basis of this the Core Strategy figures whilst they cannot be relied upon for an up to date figure for the supply of housing, they should be applied to the Councils performance in the context of establishing a record of persistent under delivery .

The Council seek to resile from this position in their October 2016 land supply document; on the basis that the Core Strategy/ RS figures reflected a policy on objective within which Telford was a focus for sub regional growth and were a maximum figure rather than a target. This new interpretation of the position with regard to the Core Strategy does not chime with the paragraph 9.6 of the Strategy which indicates that Telford was identified as a growth point in 2006 under the DCLG initiative as one of 29 growth points that could accommodate additional housing at least 20% above the 2004 RS figures and that work would identify land to meet this extra development in a DPD document. The concept of being a growth point clearly indicates that extra growth was envisaged and supports the rationale that the 1330 dwellings was a real requirement to be met to meet the identified needs set out in both the strategies.

- 6.7.12 On the basis therefore of the performance before 2011 against the 1330 housing requirement and on the basis of the delivery since 2011 against the current 778 annual housing requirement; I conclude that the Council have under delivered on 7 out of the 10 years and that constitutes persistent under delivery.
- 6.7.13 In the position where Mr Bolton's annual housing requirement is considered against the delivery record then the failure to deliver has occurred in 8 out of the 10 years in question.
- 6.7.14 Inspector Wildsmith considered this point in the Haygate Road Wellington Appeal and concluded at paragraph 51 and 52 on the subject that in the light of the points about the quantum of the under delivery between 2006 and 2001 some 4339 dwellings set against a relatively small surplus of 1,255 in the period up to 2015 that is was reasonable to apply the 20% Buffer.
- 6.7.15 The up to date consideration of the issue with the completions being brought up to date at March 2016 indicates that 4,498 dwellings have been completed 2011 to 2016 against the requirement of 3,890 [based on a requirement of 778 dwellings per annum] a differential of 608 dwellings and substantially less than the surplus considered by Inspector Wildsmith in reaching his conclusion.

6.7.16 My conclusion on this point for the all reasons set out above is that the Council are indeed a 20% Authority.

The Target Figures

Based on an annual requirement of 888 dpa, with no shortfall but a 20% buffer the target figure for the five year supply is 5,328 dwellings

Based on an annual requirement of 933 dpa, with a shortfall of 167 and a 20% buffer the target figure for the five year supply is 5,798

Based on an annual requirement of 888 dpa and with the previous accumulated shortfall from the period of the adopted Core Strategy (2006 to 2011) added in, the shortfall grows to 4,281 and with the Sedgefield method and a 20% buffer the target figure is 10,465

Based on an annual requirement of 933 dpa and with previous shortfall from the period from the adopted Core Strategy (2006 to 2011) added in, the shortfall grows to 9,171 and with the Sedgefield method and with a 20% buffer the target figure is 11,005

The Supply

6.7.18 The Council have set out in their document “Telford and Wrekin Housing Land Supply Statement 2016- 2021 [update Oct 2016] that their claimed supply is some 6,717 Dwellings as at April 2016. The Council have provided the information on their housing land supply in XL tables appended to the Housing land supply document. The land supply is divided into components these being

- 1 The sites under construction
- 2 Major Sites with Planning permission
- 3 Major sites with Outline Planning Permission
- 4 Major sites with a resolution to grant
- 5 Major Sites with Housing Allocations
- 6 Other deliverable sites .

6.7.19 The sites identified in the schedules do not include for the small sites under construction or the small sites with planning permission and there is no detailed schedule to inspect for this element of the supply.

6.7.20 The schedules for the major sites include application numbers where appropriate, total site numbers, 5 years delivery numbers, the Council's comments on the sites, lead in times and build out rates. The document "Telford and Wrekin Housing Land Supply Statement 2016- 2021 [update Oct 2016] explains that the lead in time used in the schedules is the time period between when a developer starts on site to the first legal completion. It does not take account of any time spent in the planning process before a start on site is made. The document assumes for build out rates that volume housebuilders will deliver 40 or more dwellings per annum, regional builder's 36 dwellings per annum and local builders 20 dwellings per annum.

6.7.21 In order to test the accuracy of the supply JVH Planning has undertaken an assessment of the sites including an investigation of the Councils planning application website, discussions with the development industry their representatives ; land owners and landowners agents. In undertaking this work I have had regard to the footnote on page 11 of the NPPF, the guidance in the PPG, relevant Court Judgments on the subject and other appeal decisions. These make clear that:

- LPA's need to identify a specific supply of deliverable sites (NPPF, footnote 11)
- Such sites need to be "available now" (NPPF, footnote 11)
- But to be "available now" sites do not need to have planning permission (St Modwen v SSCLG and East Riding (CD 6.2)

- The existence of planning permission does not necessarily mean a site is available (PPG 3-020)
- In terms of availability there must be confidence that there are no legal or ownership problems with sites such as unresolved multiple ownerships, ransom strips, tenancies or operational requirements of landowners (PPG 3-020)
- Where such problems exist the LPA must make an assessment must be made to show how and when they can be realistically overcome (PPG 3-020)
- There will be a need to show an intention to develop the land or in the case of a landowner an intention to sell it (PPG 3-020)
- The delivery record of the developer will be a relevant consideration (PPG 3-020)
- The delivery record of the landowner will be a relevant consideration (PPG 3-020)
- A history of non-implementation is a relevant consideration (PPG 3-020)
- Site must also offer a suitable location for housing development (footnote 11)
- Sites must be achievable with a realistic prospect of delivery within the next 5 years (NPPF, footnote 11)
- The capacity of the developer to let or sell the site over a certain period needs to be assessed (PPG 3-021)
- The sites should, in particular, be viable (NPPF, footnote 11)
- A judgment must be made about prospect of the development coming forward and therefore the economic viability of the sites needs to be considered
- Site with planning permission and allocation in adopted plans should be assumed to be deliverable within a five year period unless there is clear evidence that they will not be implemented within 5 years (PPG 3-030)
- Sites without planning permission and which are not allocated in adopted plans may be included in the supply (PPG 3-030).
- LPA's will need robust, up to date evidence to support the deliverability of sites (PPG 3-030)
- LPA's judgements on deliverability must be clear and transparently set out (PPG 3-030)

- LPA should assess the timescales within which easy site is capable of development including indicative lead-in times and built-out rates from the development of different scales of sites (PPG 3-023)
- The advice of developers and local agents will be important in assessing lead-in times and built-out rates by year (PPG 3-023)
- But it has to be expected that some developers on allocated or favoured sites may talk up their own delivery (Appeal decisions at Ottery St Mary (CD8.9) and Engine Common (CD8.8))
- The Council should be questioning of the what developers tell them about the delivery on allocated or favoured sites (Appeal decisions at Engine Common (CD8.8))
- The effects of competition from outlets close to one another need to be considered (Appeal decisions at Engine Common (CD8.8))
- The LPA must adopt a thorough approach is required on an annual basis (PPG 3-033)
- Account must be taken of the Council's anticipated trajectory of housing delivery (PPG 3-033)
- The LPA should rely on up-to-date and sound evidence (PPG 3-033)
- Consideration must be given to the associated risks to delivery (PPG 3-033)
- The LPA's local delivery record is a relevant consideration (PPG 3-033)

I have considered all these matters when looking in detail at the sites in the Council's supply

6.7.22 In addition to the work undertaken by JVH planning, Andy Timbrell of DBA have also considered the site schedules and advised in detail on local delivery rates and build out rates, based on his considerable Local development industry experience. In progressing our site schedules we have adopted the findings of Mr Timbrell in regard to site delivery times through the planning process to the delivery of the first dwellings on the site. We have also adopted his delivery rate for national regional and local housebuilders.

6.7.23 Our findings are set out in the same order as the Councils schedules

- 3 Major sites with Outline Planning Permission
- 4 Major sites with a resolution to grant
- 5 Major Sites with Housing Allocations
- 6 Other deliverable sites.

6.7.24 **This section considers the Section 3 sites** which are the major sites with Planning Permission. The schedules are included for the sites where there is a disagreement with the Councils analysis. Each site is considered against a five year trajectory based on direct information from the development industry and the application of the development lead in times and delivery rates of Mr Timbrell.

Site 1: TWC/2002/0392 Land at Lightmoor Village:

The development of a mixed-use village for up to 800 residential and live-work units, employment, retail leisure, education and community uses, together with open space and associated uses, car parking, infrastructure and services and landscaping

Council 5 YLS	100
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate						0

1. This is the remaining area of the Lightmoor Village as originally granted in September 2003. The site is owned by the HCA and is a Joint Venture between Bourneville Village Developments and the HCA and the area is known as the Croppings Phase Two. The land appears on the HCA land disposal table of June 2016 as site ref: 11414 and the disposal route is noted as 'to be determined', with a market forecast of marketing in quarter two of the period 2016-17 this has not taken place.
2. A telephone conversation with Mr Kevin Webb of the Bourneville Village Developments on the 11th October 2016 confirmed that the method of disposal is not agreed and there is an ongoing discussion about how this is to be done. Following this unknown process bids will have to be entered for the land and a partner selected.
3. Given the delay in marketing the site the unknown method of disposal of the land the bidding process, partner selection and the need for the submission of reserved matters there is clearly a delay to the delivery of the site and it is not considered therefore that the site will deliver within the 5 year period. On this basis it is removed from the supply.

Site 2: TWC/2004/0980 Land at Lawley Village

Council 5 YLS	280
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate			26	120	120	266

1. There is a Reserved Matters application currently submitted for 266 dwellings by the Lawley Village Developer Group. Application submitted July 2016. This application is for fewer homes than the Council’s 5YLS figure, so 266 units should therefore be reflected within the supply.

Site 4: TWC/2010/0152 Redhill Clay Pit

Council 5 YLS	120
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate						0

1. Outline consent was granted under TWC/2003/1316 with a later time extension granted under TWC/2010/0722 on the 08/04/2011. Reserved Matters were submitted by Land Improvement C/o Savills for 337 dwellings and approved on the 13 May 2011 ref TWC/2010/152. The Planning Permission is extant because the Reserved Matters were started and partly developed. It appears that the company will be trying to sell with an approved reserved matters, including the house types.

2. It is therefore considered likely that a new developer will submit a new full application for their own house types. The site remains for sale on the Land Improvement Holdings website. There is no developer at the moment. JVH spoke to Patrick at Land Improvements, who indicated that they recognise that it is a crowded market at the moment; that a new developer would have to submit a new application, with new support reports and information.
3. On the basis of the above it is not considered that this will deliver in the 5 year period and the site is therefore discounted from the supply.

Site 5: TWC/2011/0002 Alexandra Road Wellington TF1 1RS

Council 5 YLS	18
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate						0

1. This is the site of Cartridge World Plumbing Centre with an Outline application permitted 13/12/2013. There are no Reserved Matters submitted and there is no developer involvement.
2. JVH spoke to Stanton's the site owners on 7th October 2016, who said the site remains unsold despite the marketing, although the buildings have been demolished for commercial reasons.
3. The site has been for sale with TSR agents since the Outline was granted and the site is discounted from the supply on the basis there is no developer interest in the site and that based on the past marketing there is no prospect of the reserved matters being submitted.

Site 6: TWC/2011/0541 Land off Peregrine Way

Council 5 YLS	100
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate			6	35	35	76

1. The site had an application submitted in outline in 2006, with this being renewed in 2012 under TWC/2001/0451. There is a current Reserved Matters application in 2015/0843 of 21st September 2015 which remains undetermined due to the requirement for additional ecology surveys, which are still being undertaken.
2. The delivery timetable and final contribution to the 5YLS is based on the DBA delivery timetables and rates resulting in 76 units being added to the supply. Based upon this the first units would be delivered at the start of February 2019 with an annual delivery rate thereafter of 35 dwellings per year.

Site 7: TWC/2011/0821

Land north and east south of Aston Grove Newport

Council 5 YLS	136
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate			32	35	35	102

1. This is part of a larger Persimmon site in Newport, with these Reserved Matters 2016/0059 having been approved in April 2016.
2. The delivery timetable and final contribution to the 5YLS is based on the DBA delivery timetables and rates resulting in 102 units being added to the supply. Based upon this the first units would be delivered at the start of May 2018 with an annual delivery rate thereafter of 35 dwellings per year.

Site 9 : TWC/2011/1102 Beech Road Ironbridge TF7 5LE

Outline planning application for part demolition of existing care village and nursery followed by construction of not more than 90no. open market residential dwellings, 3no registered social care bungalows, a new plant nursery and cafe, including the provision of means of access.

Council 5 YLS	90
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate						0

1. Outline Planning Permission granted 18th March 2015. There are no Reserved Matters submitted. The property is not being advertised for sale. The existing care home is still fully occupied as a functioning Care Facility.
2. The site comprises the existing care village and related buildings substantial parts of which would have to be demolished to implement the planning permission.
3. JVH spoke to Heather Sinotte at the Beech Spinney Care Home on the 12th of October 2016, who said that nothing was likely to happen in the next 5 years as the organisation was reviewing its needs and that of the existing residents. On the basis that the site is not being advertised for sale and is clearly in use as a care facility with no plans to bring it forward the housing delivery numbers are discounted from the supply.

Site 10: TWC/2012/0056 39 Stafford Road Oakengates.

Council 5 YLS	14
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate						0

1. Outline application permitted 2/12/2014 under application ref: TWC/2012/0056. There are no Reserved Matters submitted.
2. JVH spoke to the application agents AP Architecture on 26th October 2016 who confirmed that they had no ongoing instructions. The site is not being offered for sale, there is no developer involvement and there is no contact detail for the any occupier or site owner. The previous applicant was not a development company and therefore it is discounted from the supply.

Site 12: TWC/2012/0240 Land at Arleston

Outline application for 103 dwellings and 50 extra care units permitted 05/10/2012 (application ref: TWC/2012/0240)

Council 5 YLS	95
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate		20				20

1. The Outline application was granted for 103 dwellings and 50 extra care units on the 05/10/2012 (application ref: TWC/2012/0240) the applicant was Helical (Telford) Limited. Subsequently a further outline for the application for the erection of 30 bungalows replacing the 50 extra care units was refused 17/06/2014 (application ref: TWC/2014/0057)
2. The Reserved Matters for the extra care containing 50 self-contained flats and 95 dwellings was approved on the 2nd June 2016 RM 2015/0836. This permission requires the delivery of the extra care after 20 market dwellings,
3. There is now a new full application under TWC/2016/0840 by Redrow Homes for the erection of 132 dwellings with no extra care. Redrow have a deal with Helical that they will buy subject to a satisfactory planning consent, but it is understood that it is unlikely that the planners will approve a scheme that does not include the delivery of the extra care and this is the advice that Redrow have received from TWC in September 2016.
4. On that basis the implementation of the existing Reserved Matters can result only in the delivery of 20 units prior to the delivery of the extra care facility. Redrow have indicated that they cannot find a provider for the extra care units and have indicated that on the basis of their detailed knowledge that the scheme will only deliver the first 20 units in the 5 year period. JVH Spoke to Mr David Bent of Redrow on the 13th October 2016 This therefore is reflected in the supply with 20 units included

Site 13: TWC/2012/0530 Priorslee East

Application ref: TWC/2012/0530 for residential development - applicant Homes and Communities Agency. Approved 25/09/2014

Council 5 YLS	160
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate			6	12		18

1. There is currently only a single Reserved Matters application ref TWC/2016/0804 on plot D submitted by Central and Country Development Limited for 18 units.
2. There are no applications on parcels J1 and J2, Parcel F or Parcels 1,2 & 3
3. These sites do not appear on the HCA land disposal schedule of July 2016 and there is therefore no agreed disposal route or timing for marketing.
4. The original S106 Agreement also seeks considerable contributions and is considered to make the viability of the proposal questionable in the eyes of the development industry. which has not yet been tested by any marketing
5. Given the delay in marketing the site the unknown method of disposal of the land the bidding process, partner selection, submission of Reserved Matters and the question of the viability on account of the S106 Agreement there is clearly a delay to the delivery of the site. It is not considered therefore that the site will deliver as the council indicate within the 5 year period, other than the 18 units on plot D. 18 units are therefore included.

Site 14: TWC/2012/0650 Doseley Works TF4 3BX

Council 5 YLS	100
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate					35	35

1. The outline consent for 460 units was granted on the 10th March 2014, there is a Reserved Matters submitted but yet to be determined by David Wilson ref TWC/2016/0293. The application forms the final phase of the site with phases 1 complete and phase 2 currently being under construction.
2. This phase requires the current site occupiers who make pipes to vacate the site and the demolition and remediation of this area prior to development. This was confirmed by Rob Horton of David Wilson whom JVH spoke to on the 6th October 2016. He said that the occupiers the pipe makers will have to vacate the site, and that based on this it is anticipated by themselves that they will deliver only in the last year of the 5 year period . On this basis 35 units are included.

Site 15: TWC/2013/0567 Camping Centre Hadley

Council 5 YLS	14
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate						0

1. This Consent expires on the 14th January 2017. The site has been marketed by local agents since the consent was granted in 2014. There is no developer interest and therefore on this basis it is not considered that reserved matters will be submitted prior to the expiry of the outline and on this basis the consent is removed from the supply.

Site 16: TWC/2013/0592 Hinkshay Road Dawley

Outline planning permission for up to 165 dwellings & open space granted on the 3rd October 2014.

Council 5 YLS	80
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate						0

1. This is the former Ever Ready Battery site; although the buildings on the site have been demolished for commercial reasons no reserved matters application has ever been submitted.
2. The outline consent was submitted by Black Country Properties who served Notice on the Energiser Group who owned the site. The consent required the submission of Reserved Matters no later than three years after the 3 October 2014 the consent therefore expires in 3rd October 2017.
3. JVH spoke to Black Country properties on 5th October 2016, who confirm that the site is not being actively marketed at the moment, there is considerable ground remediation to be undertaken, due to the former battery production on the site. No Reserved Matters are submitted and the site is unlikely to be delivered in 5 years.
4. On this basis it is discounted from the supply.

Site 17: TWC/2013//0769 Castle Way Priorslee

Outline application for up to 600 dwellings permitted 26/03/2014

Council 5 YLS	80
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate						0

1. The site is on a former employment site of Celestia Ltd who were a ceramics manufacturer. This Outline application for up to 600 dwellings was permitted on the 26/03/2014 under application ref: TWC/2013/0769. The consent therefore expires in March 2017. The applicants were not housebuilders and there is no house building developer involvement currently in the site.
2. JVH spoke to Harris Lamb on the 6th October 2016 who confirmed they are awaiting the client's instructions, that the site is not currently being marketed and no Reserved Matters have been submitted. On this basis and the extensive work required in order to address the conditions on the outline consent it is discounted from the supply as it is not considered that the site will be able to deliver within the five year period.

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Site 18: TWC/2013/0777 Moorfields Way Church Aston

Outline application permitted for 9 dwellings on the 20/12/2013

Council 5 YLS	9
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate			4			4

1. This is a farmhouse and garden site, the outline expires on the 20th December 2016. Although the site has been marketed; the Agents Les Stephan Planning confirmed their instructions are not to submit the reserved matters but to submit a new full application for 4 dwellings this is therefore to be reflected in the supply.

Site 20: TWC/2013/0808 Grange Park Primary School TF3 1YQ

Outline application permitted 03/01/2014 – Applicant Telford and Wrekin Council

Council 5 YLS	37
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate						0

Outline application permitted 03/01/2014 -

1. This permission time expires on the 3rd January 2017. There are no Reserved Matters submitted. There is no evidence of the site being for sale on the Councils website as at 2nd October 2016. The site discount on the basis of no willing developer.
2. TWC indicate that the site will be marketed in 2018, but this will be after the expiry of this planning permission any future proposals are therefore unknown. The site is therefore discounted from the supply.

Site 21: TWC/2013/0391 Gower Street Oakengates TF2 9HW

Council 5 YLS	10
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate						0

1. This site received outline consent for 20 Dwellings in 12/05/2014 (application ref: TWC/2013/0901) with the outline consent expiring in May 2017. The site has been actively marketed by the agents, but no developer has come forward to progress the site, on this basis it is discounted from the supply.

Site 22: TWC/2013/0902 Wellington Road Horsehay

Council 5 YLS	23
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate						0

1. This Outline application was permitted 04/04/2014 – and therefore expires in April 2017. The site is currently the yard of Hugh’s Transport Ltd ; although still being marketed there is no developer interest and no Reserved Matters submitted. On this basis it is removed from the supply.

Site 26: TWC/2014/0671 Doseley Road

Land adjacent to the Cheshire Cheese pub.

Council 5 YLS	13
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate						0

1. JVH spoke to Peter Eaker the agent for Punch Taverns on the 25th October 2016, who explained that the site could not be progressed because there is a piece of land within the application site that has no evidence of title. This has put off potential purchases due to the risk and consequent lack of finance.
2. Currently there is no prospect of the land being sold. There is no resolution to the matter at this stage Mr Eaker stated that it was unlikely to be delivered given the legal circumstances, It is therefore discounted from the supply.

Site 27: TWC/2014/0746 Maxwell Site

Outline application for the erection of a mixed use development comprising of up to 495 no. dwellings (Use Class C3), a local centre (Use Class A1) and public open space with associated access and landscaping following the demolition of existing factory (All other matters reserved)

Planning permission granted on the 30th September 2015.

Council 5 YLS	160
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate						0

1. This is the Maxwell factory site to the east of Shawbirch, the factory sits in a wide green setting. The Planning Permission allows 7 years for the submission of the Reserved Matters, these therefore do not require to be submitted until the 30th September 2022.
2. JVH spoke to the group solicitor of J Ross on the 5th October 2016 ;the company themselves currently occupy some of the buildings and confirmed that the site is not currently being marketed, although they are open to offers. However they would have to relocate and have this would take time.
3. Given the need for company relocation , demolition and marketing and the fact that that there is no time imperative for the site to submit Reserved Matters it is not considered that the site will deliver within the 5 years and therefore the site is discounted from the supply.

Site 29: TWC2015/0157 Dairy Crest Site Crudington.

Outline application for the demolition of existing commercial buildings and erection of 111no. dwellings with associated amenity space and car parking and erection of commercial units, creation of public open space with attenuation ponds, play space, landscaping and highway improvements

Council 5 YLS	111
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate				23	35	58

1. Former Dairy Crest Ltd, Crudington, Telford, Shropshire. The former dairy buildings have been demolished and the site is currently being marketed.
2. Although marketing is underway no developer is yet involved and no Reserved Matters are submitted. Given the complexity of the development, the requirements of the planning permission including site contamination and remediation issues ;the need for the land to be sold and reserved matters submitted, it is considered that the site will only deliver at the end of the 5 years period.
3. Taking the above into account the delivery timetable and final contribution to the 5YLS is based on the DBA delivery timetables and rates resulting in 58 units being added to the supply. Based upon this the first units would be delivered at the start of August 2019 with an annual delivery rate thereafter of 35 dwellings per year.

Site 30: TWC/2015/0369 Garfield Road

Outline application for the erection of up to 45no. Dwellings with all matters reserved
Land off Garfield Road, Red Lake, Ketley Bank, Telford, Shropshire

Council 5 YLS	45
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate						0

1. This Application was submitted in outline by the site owners who are not developers or housebuilders. The site is currently understood to be in use as a builder’s yard. There are no reserved Matters submitted

2. JVH spoke to Andy Williams Planning Agent for the site who confirmed that *As you are aware, I act on behalf of Steve Jones who owns the site off Garfield Road, which has the benefit of an outline consent for residential development for 45 dwellings.*

The land has been the subject of previous mine workings and is contaminated and will require remediation and re-profiling hence the lack of a requirement for affordable housing.

The site is not being formally marketed, but to date, what informal interest that has been shown has only been speculative and has not materialised into any meaningful offer – conditional or otherwise.

The owner has an expectation to receive a land value equal to £50,000 per plot and this would set the land value at around £2m

In the circumstances, I fully expect to receive instructions in a year or so to re-submit for another outline permission.

Even if in a year or so, a deal can be agreed for the site, this will be subject to a fresh planning permission or the approval of reserved matters. Then it will be necessary to discharge a raft of conditions including geo-environmental matters and so I cannot envisage a situation whereby the site will make a meaningful contribution towards the delivery of new homes within the next 5 years.

3. Based on the above information the site is discounted from the supply

9.30 The effect of the interrogation of the sites in part three of the schedule is that the realistic delivery from those sites is some **866** dwellings. This is a reduction to the Councils figure of 2084 of some 1,218 dwellings..

9.31 **This section considers the Section 4 sites** which are the major sites with only a resolution to grant planning permission. The schedules are included for the sites where there is a disagreement with the Councils analysis. Each site is considered against a five year trajectory based on direct information from the development industry and the application of the development lead in times and delivery rates of Mr Timbrell

Site 31: TWC/2011/0827 Audley Avenue Newport

Council 5 YLS	215
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate				23	35	58

1. This site is part under the control of TWC & St Modwen’s. The site has been to planning committee on three occasions; the 14th November 2012, 23 July 2014 and 24th June 2015. Planning Permission was due to be issued in June 2016 but this has still to be issued as the S106 remains to be agreed and signed.
2. JVH has spoken Mike Timmins at to St Modwens and they have confirmed they expect to sign the S106 shortly. After that the site will have to be marketed and sold to a housebuilder as St Modwens do not intend to build out the site themselves.
3. In view of the above and the information from the development company the site is included with the delivery schedule. The final contribution to the 5YLS is based on the DBA delivery timetables and rates resulting in 61 units being added to the supply. Based upon this the first units would be delivered at the start of August 2019, with an annual delivery rate thereafter of 35 dwellings per year.

Site 32: TWC/2013/0809 Former Swan Centre

Council 5 YLS	28
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate						0

1. This outline consent is for 21 dwellings which time expires on the 21st February 2017. There is a highway constraint upon the site coming forward. The site is owned by Telford and Wrekin Council but does not appear for sale on their website.
2. There are no reserved matters submitted and no known developer involvement.
3. In view of this the site is discounted from the supply

Site 34: TWC/2013/0113 British Sugar

Outline application for the erection of a mixed use development comprising of up to 470no. dwellings (Use Class C3), a primary school (Use Class D1), a commercial area (Use Class B1), clinic and health centres (Use Class D1), retail units (Use Class A1), financial and professional services (Use Class A2), restaurant and cafes and/or hot food takeaways (Use Classes A3 and A5) with associated allotments, sport and recreational facilities, open space, biodiversity enhancement and access (All other matters reserved)

Council 5 YLS	50
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate						0

1. This is the former British Sugar site at Allscott granted under TWC/2014/0113, The Outline Planning permission was issued on the 9th May 2016. The permission allows five years for the submission of the Reserved Matters and all Reserved Matters within 10 years. The permission also includes for the closing of the existing recreation facility on the site and the provision of new facilities including a pavilion. The scheme is a full mixed use scheme that includes a primary school sports pavilion and clinic/health centre.
2. The permission is complex with 37 planning conditions to be dealt with. Although the site is being marketed by Andrew Dixon on the basis of the type of permission and the complexity of delivery with no known developer interest at the current time then there is not considered to be any housing delivery in the 5 year period and the permission as issued anticipates a long delivery period given the complexities of the site.
3. The site is therefore discounted from the 5 year supply.

Site 35: TWC/14/0980 Piorslee East

Outline application for residential development of up to 1100 dwellings, a commercial/employment centre (use classes B1a, A1, A2, A3, A4 and C3 uses) retention of existing farm shop, garden centre and play barn, erection of a primary school, local centre (use classes A1, A2, A3, A4, A5, C3 and D1 and D2 (community building) a retirement village, with associated strategic landscaping, attenuation areas, opens space, highways and other associated infrastructure with detailed approval for access arrangements from Castle Farm Way (A4640) and Watling Street (A5) with all other matters reserved

Council 5 YLS	150
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate			32	35	35	102

1. This site was taken to committee and a resolution to grant was made in 2015 subject to a S106, with the housebuilder being Miller Homes . The S 106 remains to be signed and therefore no consent is yet issued. Millers do not yet own the site, as is clear in the committee report. It is noted that there will be 10 years for the submission of the Reserved Matters
2. JVH Spoke to Joe Murphey at RPS who says that Millers intend to construct the early phases and that the S106 is nearing completion and it is hoped that planning permission will be issued prior to the Local Plan Examination in mid-November. The site is a proposed as allocation H2 in the Local Plan.
3. Based on the above and the complexity of the site the delivery timetable and final contribution to the 5YLS is based on the DBA delivery timetables and rates resulting in 102 units being added to the supply. Based upon this the first units would be delivered at the start of May 2018, with an annual delivery rate thereafter of 35 dwellings per year.

6.7.25 The effect of the interrogation of the sites in part four of the schedule is that the realistic delivery from those sites is some 210 dwellings. This is a reduction to the Councils figure of 745 of some 273 dwellings.

6.7.26 **This section considers the Section 5 sites** which are the major sites with housing allocations proposed in the emerging local plan. The schedules are included for the sites where there is a disagreement with the Councils analysis. Each site is considered against a five year trajectory based on direct information from the development industry and the application of the development lead in times and delivery rates of Mr Timbrell

Site 36: H3 Former Sutherland School TWC/2014/0861

Council 5 YLS	123
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate				17	35	52

1. This site is the former site of Sutherland School and was granted an outline consent in May 2016 with a S106. Prior notification for the demolition of the school was granted in 2015.
2. The site is not currently being offered for sale on the Councils website but is noted as coming soon, although there is no developer interest as at October 2016. There is no reserved matters submission. The site is not therefore considered to be one that will be built out within the 5 year period
3. The delivery timetable and final contribution to the 5YLS is based on the DBA delivery timetables and rates resulting in 52 units being added to the supply. Based upon this the first units would be delivered at the start of August 2019, with an annual delivery rate thereafter of 35 dwellings per year.

Site 37: H13**Station Road Newport TWC/2015/0057**

Council 5 YLS	120
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate				17	35	52

1. There is an outline Application submitted on the 23rd January 2015 by St Modwen.
2. No consent has yet to be issued, with the application yet to go to committee. The site has various land owners and will require the signing of a S106 in due course.
3. The site is an allocation within the emerging Local Plan as H13. There are currently outstanding objections to the proposed HO2 Sites which are currently unresolved.
4. JVH has spoken to St Modwen's regarding their plans for this site and are told by Mr Timmins on the 12 October 2016 that the site would be marketed following the granting of planning permission as they do not intend to build out the site themselves.
5. The delivery timetable and final contribution to the 5YLS is based on the DBA delivery timetables and rates resulting in 52 units being added to the supply. Based upon this the first units would be delivered at the start of August 2019, with an annual delivery rate thereafter of 35 dwellings per year.

Site 38: H1 New Trench Road Donnington TWC/2015/0096 and 0097

Council 5 YLS	200
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate				23	35	58

1. This site is in two sections and is the subject of two separate applications being north and south of New Trench Road.
2. North of New Trench Road comprises an application for 430 dwellings ref TWC 2016/0096 with some of the site owned by the TWC and the remainder by a private landowner. The application has yet to go to committee, and is subject to major infrastructure requirements including a new roundabout to access the site from the New Trench Road. It is also subject to substantial objections.
3. South of New Trench Road is subject to an outline for 220 units ref TWC/2016/0097. The application land is owned by TWC and a private landowner and is also subject to major infrastructure requirements including the new roundabout to access the site from the New Trench Road.
4. There is no named housebuilders involved in either application.
5. The site is an allocation within the emerging Local Plan as H1. There are currently outstanding objections to the proposed HO2 Sites which remain unresolved
6. In view of this the delivery timetable and final contribution to the 5YLS is based on the DBA delivery timetables and rates resulting in 76 units being added to the supply. Based upon this the first units would be delivered at the start of August 2019, with an annual delivery rate thereafter of 35 dwellings per year.

Site 40: H5 TWC/2016/0562 Former Beeches Hospital Ironbridge

Erection of 53no. dwellings, conversion of former Lincoln Grange Nursing Home into 36no. dwellings following demolition of parts of Lincoln Grange Nursing Home, with associated internal and external works, access road and landscaping

Council 5 YLS	89
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate				23	35	58

1. Full Planning permission was resolved to be granted for this scheme at committee on the 29th September 2016. The developer is Shropshire Homes who have confirmed they will deliver site.
2. In view of this the delivery timetable and final contribution to the 5YLS is based on the DBA delivery timetables and rates resulting in 58 units being added to the supply. Based upon this the first units would be delivered at the start of August 2019, with an annual delivery rate thereafter of 35 dwellings per year.

Site 42: H11 Holyhead Road

Council 5 YLS	40
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate						0

1. This is a site owned the HCA. There is no current application on this site. The site is an allocation within the emerging Local Plan as H12. There are currently outstanding objections to the proposed HO2 Sites which are unresolved
2. Given the site is yet to be marketed and the method of disposal of the land is unknown, but is likely to require a bidding process, partner selection, submission of Reserved Matters there is clearly a delay before a planning application will be submitted. This will result in a delay to the delivery of the site and it is not considered that the site will therefore deliver within the 5 year period.

Site 43: H12 North of the Priorslee Roundabout

Council 5 YLS	70
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate						0

1. This is a site owned the HCA. There is no current application on this site. The site is an allocation within the emerging Local Plan as H12. There are currently outstanding objections to the proposed HO2 Sites which are unresolved
2. Given the site is yet to be marketed and the method of disposal of the land is unknown, but is likely to require a bidding process, partner selection, submission of Reserved Matters there is clearly a delay before a planning application will be submitted. This will result in a delay to the delivery of the site and it is not considered that the site will therefore deliver within the 5 year period.

6.7.27 The effect of the interrogation of the sites in part five of the schedule is that the realistic delivery from those sites is some 335 dwellings. This is a reduction to the Councils figure of 745 of some 410 dwellings.

6.7.28 **This section considers the Section 6 sites** which are other deliverable sites proposed in the emerging local plan. The schedules are included for the sites where there is a disagreement with the Councils analysis. Each site is considered against a five year trajectory based on direct information from the development industry and the application of the development lead in times and delivery rates of Mr Timbrell

Site 44: TWC/2008 0108 Orleton Lane Wellington.

Council 5 YLS	144
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	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
JVH Delivery Rate				23	35	58

1. This is the site of the former Orleton Park school, a new full application TWC2016/0860 was submitted September 2016. Lovell's are the applicants, the Council own the land and Cerda Planning are the planning consultants. JVH Spoke to Lovell's on the 11th October who confirmed they are progressing the application and intend to deliver the site.
2. In view of this the delivery timetable and final contribution to the 5YLS is based on the DBA delivery timetables and rates resulting in 58 units being added to the supply. Based upon this the first units would be delivered at the start of August 2019, with an annual delivery rate thereafter of 35 dwellings per year.

6.7.29 The effect of the interrogation of the sites in part six of the schedule is that the realistic delivery from those sites is some 88 dwellings. This is a reduction to the Councils figure of 174 by some 86 dwellings.

The Land Supply Calculations.

6.7.30 The review of the housing land supply as set out above indicates that on consideration of the details of the sites within the supply and available in the next five years the complete situation is as follows;-

1	Major Sites under construction	2185
1a	Small sites under construction	153
1b	Small sites not started	243
2	Major Sites with Full Permission	485
3	Major Sites with Outline Permission	866
4	Major sites with a Resolution	210
5	Major Sites with Allocations	335
6	Other deliverable sites	88
TOTAL SITES		4,565

Item 1b small sites not started is a figure taken from the Councils October Land Availability Document and is a discounted figure based on a 30% non-delivery rate of small unimplemented permissions. There is no schedule of these permissions available for checking for time expiry or other delivery problems.

6.7.32 According to the Councils calculations in their published document the five year housing requirement is some 4,840 dwellings with a 20% buffer requiring the delivery of 968 dwellings per annum. The Council consider that the five years supply is some 6,727 dwellings.

6.7.33 In contrast the Appellant believes the supply to be 4,565 dwellings and therefore below the Council's target figure of 4,840, demonstrating a shortfall in the five year supply, even against the Council's own requirement figure. The Housing land supply schedule

and findings with regard to the individual sites is attached to this evidence at Appendix 4. The five year deliverable supply is **4,565** dwellings

TABLE 6: The Appellant's Supply Position with the Council's Housing Requirement

A	Five year requirement [with 20%]	4,668
B	Annual rate	934
C	Total Deliverable Supply	4,565
	Number of years Supply	4.88

6.7.34 The Appellant has calculated the OAN to be either 888 or 933 dwellings per annum over the plan period 2011 to 2031, as set out in the evidence of Mr Roland Bolton.

Table 7: The Appellant’s Five Year Supply Calculation based on 888 dpa (2011 – 2016) and the shortfall from 2011 onwards

A	Five year requirement at 888	4440
B	Shortfall	0
	Total of A and B	4440
C	Buffer at 20%	888
	Target Figure (A+B+C)	5328
D	Annual rate required	1,066
E	Total Deliverable Supply	4,565
	Number of years Supply	4.28

Table 8: The Appellant’s Five Year Supply Calculation based on 933 dpa (2011 – 2016) and the shortfall from 2011 onwards

A	Five year requirement at 933	4665
B	Shortfall	167
	Total of A and B	4832
C	Buffer at 20%	966
	Target Figure (A+B+C)	5798
D	Annual rate	1,160
E	Total Deliverable Supply	4,565
	Number of years Supply	3.93

Table 9: The Appellant’s Five Year Supply Calculation based on 888 dpa (2011 – 2016) and the shortfall from 2006 onwards

A	Five year requirement at 888	4440
B	Shortfall	4,281
	Total of A and B	8,681
C	Buffer at 20%	1,736
	Target Figure (A+B+C)	10,417
D	Annual rate required	2,083
E	Total Deliverable Supply	4,565
	Number of years Supply	2.19

Table 10: The Appellant’s Five Year Supply Calculation based on 933 dpa (2011 – 2016) and the shortfall from 2006 onwards

A	Five year requirement at 933	4,665
B	Shortfall	4,506
	Total of A and B	9,171
C	Buffer at 20%	1,834
	Target Figure (A+B+C)	11,005
D	Annual rate	2,201
E	Total Deliverable Supply	4,565
	Number of years Supply	2.07

6.7.35 It is clear that whichever of the tables above is used, the shortfall is very serious and very significant. This is whether one includes the shortfall from 2006 to 2011 or not. The Inspector in the Brereton Heath inquiry (CD 8.23, para 13) concluded a shortfall of 4.5 years was to be judged as both serious and significant. This is because the five year housing land supply requirement is a minimum requirement to be maintained at all times. Each of these figures are far worse than that.

6.8 The Planning Balance.

- 6.8.1 Paragraph 49 of the Framework sets out that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. A five year supply of deliverable sites is not available in Telford and Wrekin based on the assessments of the housing requirement carried out by Mr Bolton and the assessment of the supply carried out by myself. Of itself this renders the development plan policies that set out the quantum and distribution of housing in CS1 and CS7 out of date, together with any other policies that seek to limit the supply of housing in the form of OL6 and CS11.
- 6.8.2 It is already established that the principle policies for the supply of housing in CS1 and CS7 are out of date by virtue of their provenance and origin in the West Midland Regional Strategy which has been abolished. The fact that a five years supply of deliverable sites does not exist to deliver new homes is a further key consideration in the determination of this appeal and one which should be given significant weight.
- 6.8.3 Paragraph 49 of the NPPF sets out that housing applications should be considered in the context of sustainable development. As set out in part 6.3 of this evidence; this scheme is a sustainable development and will deliver the benefits of sustainable development in the form of market and affordable new homes for which there is a pressing need in Newport; as an economic boost to the Market town of Newport through increased spending and employment, and through the delivery of a quality residential development that has taken full account of its landscape setting and been designed to achieve a sustainable living environment for the future.
- 6.8.4 Furthermore there is no harm from the development proposals in terms of the impact on the landscape or to the character of the local area. The site does not fall within any special designation where the Framework indicates that development should be restricted.

6.8.5 Taking all of these matters into account the Planning Balance clearly falls in favour of the development of the site on the basis that this is a sustainable development, where the development plan policies that regulate the supply of housing are clearly out of date in two distinct ways. Firstly because the housing requirement and distribution in those policies stem from the now revoked WMRS and cannot be relied upon and secondly because the Council cannot demonstrate an up to date deliverable supply of sites to meet the housing requirement.

7 **Summary and Conclusions.**

- 7.1 My evidence deals with the sustainable nature of the proposed development in terms of the three stands of sustainable development identified at paragraph 7 of the Framework. The development supports the role of sustainable development by the delivery of social economic and environmental benefits. Significant weight should be given to the delivery of sustainable development and in particular the delivery of new market homes for sale and new affordable homes. This aspect of sustainable development should be read against the need to deliver affordable homes in Newport where the need has been assessed as an annual need of 101 dwellings and which is currently not being met.
- 7.2 It is not accepted by the Appellants that the development plan policies are indeed up to date or remain relevant. Policy CS1 is acknowledged to be out of date as it is based on the housing requirements of the revoked WMRS. It follows that Policy CS 7 is also out of date as that policy treats all locations outside settlement boundaries as countryside. The Council have themselves breached CS7 in the permitting of new development outside the settlement boundaries both in Newport and Telford and it is self-evident that policy is out of step with the Framework and the aim to boost the supply of housing and consequently cannot be regarded as up to date.
- 7.3 The Proposed development does not cause any harm .There is no landscape harm as a result of this development and on that basis Policies UD2 and CS15 do not prevent the development from being approved.
- 7.4 Paragraph 49 of the Framework sets out that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. A five year supply of deliverable sites is not available in Telford and Wrekin based on the assessments of the housing requirement carried out by Mr Bolton and the assessment of the supply carried out by myself. Of itself this renders the development plan policies that set out the quantum and distribution of housing in CS1 and CS7 out of date, together with any other policies that seek to limit the supply of housing in the form of OL6 and CS1.

7.5 In all of these circumstances outlined above this development can only be regarded as a positive. There is no breach of the development plan policies given either their lack of relevance or their being out of date. There is in fact everything to be gained from the delivery of a well-planned sustainable housing development that is being promoted by a national housebuilder with a record for the delivery of high quality homes.

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