

Wycombe District Council response to KBEG Housing Land Availability Assessment contained in the KBEG Matter 3 statement.

Introduction

1. At the Matter 3 Hearing day the Inspector asked the Council and Keep Bourne End Green (KBEG) to liaise regarding the alternative housing land supply assessment submitted by KBEG with their Matter 3 statement with a view to preparing a statement setting out the position of the two parties and where possible common ground.
2. Following the Matter 3 hearing, the Council sent KBEG a number of questions to seek to better understand the data set out in the KBEG assessment – these are set out at Appendix 1 of this note. The Council received a response to those questions which is set out as a separate attachment at Appendix 2 to this note.
3. Having had this exchange set out below is the Council's view on the KBEG assessment. This will be sent to KBEG for their comment.

KBEG provides comment on the Council's assessment in red text below. Where comments are brief (or considered important) these are made adjacent to the relevant Council response, though where a more substantive response is made, KBEG has displaced its comments into the attached document "KBEG Response to Wycombe District Council Assessment of the HLA" provided as Appendix 3 to this note.

KBEG notes the Council has undertaken the assessment based on the KBEG HLA Update (June 2018) appended to its Matter 3 Statement. This 11-page update provided a core data-only update to the original KBEG HLA report (of some 31-pages). The Update should have been read in conjunction with the original HLA since it excludes additional background and context which may have assisted the Council in their assessment. The Council may have read both reports though this is not made clear in their response.

Overview

4. The KBEG Matter 3 statement included an alternative housing land supply assessment and concluded that, in the light of that assessment, use of Green Belt land to meet the housing target cannot be justified. The Council note that even the KBEG assessment of 12,525 dwellings is short of meeting the full OAN for the District, and hence Green Belt land would still have to be considered.

The KBEG HLA was measured against the OAN, less the dwellings agreed to be delivered in Aylesbury Vale. The unmet need (after the redistribution) forms the new Plan's proposed Housing Target which is the basis of future 5-year supply detailed in the Housing Topic Paper (Examination Library TP2) and Appendix 1 of the Council's Matter 3 statement to the Inspector.

5. In any event, for the reasons set out below in the remainder of this note, the Council does not accept the KBEG assessment of deliverable and developable sites and has given a

number of reasons and examples for why this is the case. Furthermore adopting the KBEG assessment would involve a partial updating of the evidence only for housing land, and exclude employment and retail development. The more consistent and holistic approach adopted by the Council and set out in the Plan's evidence base is considered to be the appropriate approach. Should any additional supply come forward on sites not currently identified in the Council's assessment, this would assist in providing further flexibility in the Plan's housing land supply over and above the areas of flexibility highlighted by the Council in its Matter 3 statement and Housing Topic Paper.

KBEG consider the Council may have measured the KBEG HLA in the context of a full alternative HELAA which has an entirely different criterion compared to the proffered assessment to identify windfall housing supply. The KBEG HLA was not conceived to re-do the HELAA but rather to support it by identifying windfall and other sources of supply capable of meeting the housing need.

The baseline data found in the KBEG HLA Appendices 1 to 3 receives most of the Council comment and this data was validated against the HELAA and later the Council 2017 Monitoring Report. The Appendix 2 data (Deliverable Housing : Planning Permissions Not Yet Started) was supplemented with applications as they came forward in the planning system, though as made clear in the KBEG response to the Council questions, the site progress information was drawn from the Council monitoring updates. KBEG did not have the time or resources to visit or contact the agents/owners/developers for sites recorded as not yet started. Given the context set for the KBEG assessment, site progress information was not considered of material importance as it would eventually be picked-up and updated by the Council monitoring updates, and in any case supply from the not yet started group was appropriately discounted by 10% for non-delivery.

In many regards the KBEG HLA is more akin to the Technical Appendices found in the Council monitoring updates and there is some common ground here. The KBEG view is that its HLA windfall assessment proffers a window on the 'future' monitoring report Technical Appendices of sites based on up-to-date monitoring of applications entering the planning system today. The KBEG HLA does not advance any sites which cannot be tested or which the Council will not eventually encounter during its own monitoring updates. The KBEG HLA Appendix 5 (Windfall Sites) details the windfall applications which are almost invariably recent applications with extant planning permission.

KBEG thanks the Council for providing a raw extract of the latest 2018 monitoring data to enable some common ground to be established. The attached site assessment lists windfall that is mutually identified in the KBEG HLA *and* in the Council monitoring data which is proposed as the foundation for a Statement of Common Ground. Given the various comments made by the Council in this note, KBEG does not see how the Council could reasonably disagree to use its own up-to-date monitoring data as the benchmark to establish common ground over the amount of identified windfall sites.

KBEG thanks the Council for its time spent examining the HLA data and identifying a few site-specific errors which KBEG consider are regrettable despite its best efforts to provide clean data. As result a KBEG HLA Errata (September 2018) is attached to this note with these errors corrected (which should be read in conjunction with the original KBEG assessment) and which also integrates the latest site progress contained in the 2018

monitoring update provided. KBEG note only two of the ten site specific errors relate to windfall sites (having a consequential change in the windfall supply of -21 dwellings) with all others relating to the HELAA identified sites. Moreover, KBEG has taken note of the adverse Comments from the Council response and applied changes as appropriate into the attached Errata.

WDC comments on the KBEG Assessment

1. WDC notes the considerable amount of work undertaken by KBEG to consider the housing land supply situation. However the Council has the following observations to make based on the KBEG HLA Update (June 2018). These go some way to explain the differences between the Wycombe supply data and that set out by KBEG. However first we set out the context for our comments.

KBEG considers there are fewer differences between the underlying data than the Council asserts, chiefly since the KBEG baseline data (which forms the background for the windfall supply) is validated against the Council's data contained in the HELAA and monitoring updates. The Council picks-up on a few isolated matters which it appears to extrapolate across the whole identified supply which KBEG consider is not a sound basis for drawing robust conclusions. For instance, the site specific errors identified represent less than 0.5% of all planning applications examined. In any case the purpose for the KBEG HLA was not to re-do the HELAA but to identify the windfall supply which was provided in HLA Appendix 5 and by all available indications was overlooked by the Council assessment.

Context

2. As explained by the Council at the hearing session the Council's assessments of housing supply and the KBEG assessment have differing base dates. The Local Plan's housing land supply position and the HELAA have a base date of 31st March 2016. This underpins the published and submitted version of the Plan. The Council produced a monitoring update (not a full HELAA review) that is included in the Council's Monitoring report that covers the period to 31st March 2017. This included reconciling the monitoring data with the HELAA information (to avoid any double counting of sites) to provide an updated overall housing land supply position for the plan period. It also took account of any sites that may have fallen out of the supply as a result of planning permissions expiring or sites being permitted for other uses. This Monitoring Report also formed part of the evidence base submitted with the Plan to ensure the most up to date annual monitoring data was available for the examination to consider.
3. The HELAA based assessment showed a total supply of 10,927 dwellings for the Plan period. The 31st March 2017 based Monitoring Report data showed a supply for the Plan period of 11,030 (see Table 4.2, page 24, HELS7) - a slightly higher overall supply (133 dwellings) as a result of the updating information.
4. The KBEG HLA has a base date of 25th June 2018. This does not correspond to the financial year reporting used in monitoring and for reporting to MHCLG.

The approach adopted in the KBEG HLA aligns with an identified need and the ‘no stone unturned’ philosophy set out above and in the attached KBEG response to the Council assessment, which against the backdrop of releasing land from the green belt is considered a suitable approach.

Conversely, in terms of the KBEG HLA objectives, it is important that the base date does not align with the financial year end or Council monitoring reports for otherwise the KBEG HLA should just end up being a lesser facsimile of the Council’s own monitoring data (the ‘lesser’ meaning that in this context is that the HLA relies on site progress data from the Council data). The purpose of the KBEG assessment was to provide an advanced window on the mid-year progress of the windfall supply.

5. The Council has provided headline information to the Inspector on completions, units/sites under construction and sites with permission not yet started to a base date of 31st March 2018 as an Action Point at the hearing. These are initial headlines and may be subject to minor changes. These have not been reconciled with the HELAA supply data but are used to provide an overview of commitments beyond the 2017 Monitoring Report base date.

6. The data supplied was as follows:

Net Completions 2017-18	554
Net Dwellings on Sites under construction at 31 st March 2018	958
Net Dwellings on Sites with permission where development has not yet started at 31 st March 2018	1,898

7. Because of the different base dates for the information it is not possible to directly compare the KBEG data with the Council’s data.

KBEG recognises a challenge facing the Council lies in how to reasonably and soundly assess the KBEG HLA windfall data since it has a different underlying base date to the monitoring reports. To help overcome this hurdle, the attached common ground site assessment isolates and aligns windfall planning applications to marry against the Council’s financial year reporting period up to 31st March 2018 and separates the windfall since the 1st April 2018 base date which extant permissions can be verified as necessary via spot checks.

The Council’s 2018 monitoring data has afforded KBEG with the opportunity to update the KBEG HLA Errata with progress of development sites to a 31 March 2018 base date (as the preceding HLA Update relied on the 2017 monitoring update). KBEG note the 2018 monitoring update includes planning applications with a capable supply of 868 windfall dwellings (mutually identified) that are beyond the HELAA. A further 277 windfall dwellings on applications with extant permission that have come forward since 1st April 2018. This amounts to a capable windfall supply of 1,145 dwellings.

Overall Comments on the KBEG approach

8. The Council thanks KBEG for their comprehensive response to the set of questions submitted by WDC with regard to the KBEG HLA Update. More detailed comments on that response are set out later in this note. However this exchange has been a useful exercise which, together with a general review of the data supplied, clearly flags a number of areas where the parameters for the assessment of supply are significantly different, which help to explain why the KBEG assessment is higher than the Council's but why also why the KBEG approach is not a preferred approach.
1. The KBEG HLA does not remove expired permissions from the supply.
9. Appendix 2 of the KBEG HLA sets out large and small sites that have permission (or permitted change of use to residential). Many of these are applications submitted well over 3 years ago (application references from 2015 or before).

The response provided to the Council's questions clarified the reasons why a proposal might be considered capable of being delivered after planning permission had lapsed if it was still considered to hold a reasonable prospect of supply. This links to the concept that the expiry of a 3-year planning permission does not mean the site will not eventually count to the housing supply during the plan period.

KBEG's response included to confirm there were a small number of windfall planning applications with expired permission (and without evidence the sites were still being promoted) though these sites had been established as capable of a supply (albeit without certainty that the sites will be delivered within five years) and were yet to be validated by the monitoring update.

In that regard it was also important to consider the most recent source of site progress information applied in the KBEG HLA Update was collated from the 2017 Monitoring Report, which in June 2018 was well over a year out of date, so the actual progress of sites from the 14/15 period (and after) was largely unknown. If the KBEG assessment had removed all planning applications which had 'on paper' expired, then it could have excluded sites where development had started or been completed. The decision to not remove these sites was a further consideration of factors including, *inter alia*:

- i. the sites were demonstrated as capable of supply (and no contrary information was immediately known to KBEG that development had not begun or would not be expected to begin);
- ii. most, but not all, planning applications for small sites will be built-out either in their approved form or in under an updated scheme;
- iii. the District is constrained by green belt and AONB without a surplus of strategic greenfield or brownfield sites (as supported by the decision to use green belt land for housing). In the coming years during the plan period, commercial developers seeking large sites (5 net dwellings or more) will necessarily look to exploit PDL opportunities and any fragments of undeveloped land still retained within settlements. The revised NPPF (2018) promotes the use of such land in its updated policies and it might follow that those sites in the planning system with

lapsed permission (as they may exist) become reasonable candidate sites for future housing development. This is, of course, not a preferred HELAA approach, but provides some risk assessment of over the capable supply;

KBEG clarified in its response to Council's questions that KBEG HLA Appendix 2 included sites with lapsed permissions accounting for a total of 159 dwellings (where no recent related activity in the planning system, such as variation of planning conditions or non-material amendment applications existed). The reasons why these were not excluded from the KBEG HLA were set out in KBEG's response (Appendix 2 to this note, paragraphs 25-36) which further details the context of the KBEG assessment of alternative source of housing supply while also having due regard to NPPG and the *St Modwen Development* judgment.

The KBEG HLA Appendix 2 includes both baseline and windfall sites and the majority of those sites having lapsed planning permission are identified as HELAA sites which only serve to provide a baseline and eliminate double-counting of the windfall site. There were just three potentially expired large site windfall applications which account for 43 dwellings. The revised HLA Errata appendices have been modified to clearly identify the site progress status, the monitoring source of the status, and in the case of marginal applications not yet started, the planning permission date to enable a more robust assessment.

10. The Council has reviewed all the large sites in Appendix 2 with applications dated 2015 or before to assess which ones have expired. In summary there are over a 100 dwellings on a number of sites where permissions have expired and that have not been renewed or followed by a later permission on the same site. In addition there is a further site for 167 units where permission has expired and been replaced by non-C3 development (see reference to the Wycliffe Centre below).

The Wycliffe Centre site is commented below and in the attached KBEG response.

11. In addition there are over 8 pages of small sites in Appendix 2 with application dates from 2015 or before. The Council has not reviewed these sites but there will clearly be a significant number with permissions that have expired and not been renewed or followed by later permissions.

KBEG note to the Council that a planning application date marker (i.e. 15/00000/FUL) is not necessarily an accurate indication of the permission date. The KBEG HLA Update base date (25 June 2018) would mean any application granted on or after 25 June 2015 would have been received at least 8-weeks prior on or before 30 April 2015 when the application reference would have been allocated. By this broad marker it might be expected that two-thirds of all planning applications bearing the 2015 date would still be valid. KBEG notes it would be premature to assume (in lieu of any detailed assessment) that a significant number of applications which date to 2015 would have necessarily expired.

A comparison is drawn with the 2018 monitoring data provided by the Council. This references 97 sites with planning applications dated from 2015 or before (if reprinted, this quantity of sites would amount to around 7 pages of equivalent KBEG HLA small sites). A

full update with the 2018 monitoring data is provided in the KBEG HLA Errata attached, which also includes planning permission date for the avoidance of doubt.

12. We note at paragraph 30 of KBEG's response to the Council's questions reference to the PPG advice on what constitutes a deliverable site. Whilst the Council agree that sites with planning permission could be included as a deliverable site "unless there is clear evidence that schemes will not be implemented within 5 years", it is also clear from KBEG's response that they have not sought to obtain information from developers/agents/landowners to ascertain whether there is any evidence to suggest that sites will not be implemented within 5 years. More fundamentally sites where permission has expired by definition do not have planning permission and hence that element of the guidance cannot apply. Conversely the need for robust up to date evidence to support deliverability of sites set out in the next paragraph of para 30 of the KBEG response does apply for such expired permissions and such evidence does not exist in the KBEG assessment.

KBEG confirms it did not seek direct site information from the agents/owners/developers but gained that information in a roundabout way via the Council monitoring data. In the context of the KBEG assessment the need to identify windfall sites was not considered a primary concern given the built-out time would allow site progress information to be accounted in the Council monitoring updates. It could of course affect expiring permissions in a timely fashion, but KBEG has already commented its view in this regard and to calculate expired planning applications while applying site progress updates seemed a reasonable approach.

KBEG notes most of the windfall supply has come forward since the HELAA base date (31 March 2016) and therefore has extant permission. A small amount of unimplemented planning permission predates the base date which is usually found on small sites, and in this regard too, KBEG relies on the site-specific assessment and monitoring data provided by the Council. The sites may be partially completed approvals which remain valid and continue to be considered to exist as under construction somewhere between started and completed. It is not intended to reiterate the full response already provided to the Council's questions (Appendix 2 to this note) save to note KBEG considers the assessment of 'supply' distinct from that for 'delivery'.

13. In the Council's view a scheme not being started within the life of the permission and no effort being made to renew the permission is in itself evidence that the site may not come forward, perhaps not at all or perhaps not for that same scheme and number of dwellings.

KBEG does not agree with the Council's view that a supply is unlikely to result as there are many examples of sites having follow-on planning applications after permission has expired. The Council acknowledges in the next paragraph that market forces and changes in ownership impact upon such matters. It is unimportant whether the same scheme or number of dwellings carries forward in a subsequent application – the nub of the matter is that the site is capable of contributing to the supply.

14. Most, but not all permissions go on to be developed out. For some, circumstances change, be this ownership or intention. Schemes often change to reflect the markets desire for a particular type of scheme. This can be seen in the high demand for flatted schemes

pre-recession which fell away dramatically post-recession. At that time many permissions for flatted schemes lapsed and those same sites may not have been either viable or practical for an alternative scheme. If a scheme for houses then came forward this would have course deliver a lower number of units. In some cases a planning application may simply be a valuation exercise or seen as an added incentive in the sale of a site.

KBEG note that where a planning permission is secured as an added incentive to the sale of a site then it follows this could go on to realise that ambition through an interested developer which may result in a supply of housing.

2. KBEG include sites where the most recent permission is for non-C3 use

15. Despite assurances (CHECK) in their response, the KBEG HLA includes examples of where the most recent permissions are for non-C3 uses including non-residential uses altogether. For example:

- Part xi of para 6 of the KBEG response states that sites identified as Class C2 (assisted living or care home bed spaces) were identified and excluded from the net dwelling supply. Unfortunately, this is not the case. The Wycliffe Centre at Horsleys Green (17/08285/FUL) is included in Appendix 2 – Deliverable Housing despite the C3 scheme for the site having expired in August 2017. The site is now subject to two 2017 permissions for C2 schemes. The application number referred to by KBEG is for one of these C2 schemes. KBEG have included 167 units from this scheme.

The Council included the site in its 2016 based HELAA but excluded it from its 2017 Monitoring report update because of the change to C2.

The Wycliffe Centre site lies in Green Belt and AONB and was the subject of some deliberation in terms of its housing supply. KBEG considers the Council applied the correct approach when it assessed this retirement living site provided residential use (HELAA Appendix 4, page 175). An expanded account of KBEG's position is given in the attached KBEG response to the Council assessment, though is summarily stated:

- The original 2013 application (13/06772/FUL) was a "C2" scheme assessed by the Council as delivering both "C2" dementia care units and "C3" residential units;
- The first 2017 application (17/07241/FUL) was an exact facsimile of the original "C2" application and the same built supply would result;
- The second 2017 application (17/08285/FUL) disposed of the "C2" dementia care units in favour of more residential units;
- The developer asserted concerns including over commercial viability following the 2013 determination and advanced legal arguments for "C2" use since the "C3" supply would mean commercial obligations of over £1m in the case of latest 2017 application;
- The "front door" residential use proposed in all three developments is for over 55s which is distinct from the institutional "C2" accommodation excluded from housing supply.

However, the Wycliffe Centre is a HELAA identified site which does not affect the windfall identified in KBEG HLA Appendix 5.

- The KBEG assessment includes 96 dwellings on a site at Baker Street (see page 5 Appendix 3, KBEG HLA). This is a site included for mixed use development in the Delivery and Site Allocations Plan. However part of the site is now being developed for an Aldi Store and car show rooms (17/06652/R9FUL) – the former is due to open in September 2018 - and there is also permission for new commercial development (17/06626/R9FUL). The remaining car parking area needs to be retained and enhanced given the loss of other public parking on the site.

KBEG can confirm it did not monitor commercial planning applications throughout the assessment period. This was noted in original KBEG HLA (2017) (paragraph 2.6) which stated, *“this report does not provide an assessment of employment or retail land which underlying data is not readily available”*.

A site assessment was undertaken for this DSA allocated policy site when it was first added to the KBEG HLA database and that check pre-dated the above two planning applications (determined 28/11/2017 and 27/11/2017).

KBEG note the Policy HWTC18 site is owned by the Council and could have equally been promoted by the Council for mixed use including some, or all, residential supply given the considerable green belt and AONB constraints.

- Similarly the Oxford road roundabout site in High Wycombe town centre (see page 5 Appendix 3, KBEG HLA) which KBEG count 30 dwellings on now has a permission for offices.

KBEG confirms a check was also undertaken of the DSA HWTC16 policy site when first added to the KBEG HLA database and that also pre-dated the application (18/05038/FUL) determined 21/06/2018. However, this planning application forms a lesser part of the wider Policy HWTC16 allocation and other planning applications for residential supply have come forward, albeit these have been rejected on their planning merits.

16. These latter two sites illustrate the need to monitor the permissions for commercial sites to see if there is an impact on the residential supply. They also highlight that, whilst mixed use allocations, particularly in town centre locations, will often include a residential element that cannot automatically be assumed as there are other competing land uses for such sites. Changes in landownership or changes in owner’s intentions can change what may be delivered in the future and this needs to be taken account in the HELAA assessment, not just the simple fact that it is allocated in a Plan. For a site to be developable and hence included in the supply at some point in the plan period there needs to be a reasonable prospect that a site is available and could be viably developed at the point envisaged (NPPF, para 47, footnote 12). Hence certain others sites in the Delivery and Site Allocations Plan (eg HWTC10 Swan Frontage, HWTC20 Rapid House, and MR5 Liston Road) are not included in the Council’s assessment because there is now no indication that they are available. There is not a reasonable prospect of delivery. The KBEG assessment includes these sites.

KBEG examined all sites 'allocated' for residential use (including mixed use sites) in its assessment of alternative housing supply which, at that time, considered four sites were omitted from the HELAA (Publication). These sites were identified in the original KBEG HLA (2017) (Housing Policy Sites, page 24) to include Policies HWTC10, HWTC16, HWTC18, and HWTC19. The Council references these allocations above.

KBEG included Policy HWTC10 Swan Frontage on the basis of the Council's own assessment of the site which is described in the HELAA site assessments (HELAA Appendix 4) as "... *unavailable in the short term but likely to become available in longer term.*" The site was also included in the HELAA (Draft) which provided the Council's forecast of the housing supply which could result. The Masterplan for High Wycombe includes development of the Swan Frontage area, and (as far as KBEG is aware) there has been no deviation to this strategic objective between the HELAA Draft and Publication versions that might raise doubt over the HWTC10 allocation.

The Council refers above to HWTC20 Rapid House as not included in its assessment with no indication it is available, though KBEG note that DSA Policy HWTC20 (as shown on the DSA Policy Map 1) is the site referred as Oxford Road (West) which is a different site to Rapid House (which forms part the Policy HWTC19 allocation). Moreover, the HELAA accounts for a 'developable' supply from Policy HWTC19 against the general address Brook Street High Wycombe. The HELAA (Draft) included Rapid House as part of the long-term housing supply indicating it to be a "Developable Site in 11 to 18 years".

Though not one of the DSA allocation omission sites, KBEG note the HWTC20 policy text disqualifies residential uses. However, within this allocation area, Aria House has gained 'prior approval' permission for 72 dwellings and four of the nine office buildings on Buckingham Place within the same allocation area have 'prior approval' permission for 8 dwellings each. Tempus Court which is also in the HTWC20 allocation area has recently received 'prior approval' permission for 53 flats which are all windfall sites and noted in the monitoring updates.

The HWTC20 policy provides example that housing supply can come forward on allocation sites when it is not expected or previously considered available. This is amply demonstrated in the amount of windfall 'prior approval' office-to-residential schemes identified in the KBEG HLA.

- Similarly, for example, KBEG include site HW15 Land off Hughenden Road (see KBEG Appendix 3, page 3) that the Council are promoting for regeneration purposes in the Plan but is specifically not counted in the supply because there is not the evidence on availability as it would involve the development of many back gardens in multiple ownership.

The site has been removed in the attached KBEG HLA Errata.

3. There is some double-counting in the KBEG assessment

17. Although KBEG have assured the Council that there is no double counting and although the Council believe that KBEG have sought to do this, there appear to be examples of sites that appear more than once in the first 3 appendices to their assessment.
18. The following have been identified by running a query to check for duplicate addresses and also for duplicate application numbers. In most cases the sites have more than one planning application but the original application has not been superseded. The following sites are identified as duplicates appearing in Appendices 1, 2 and 3 of the KBEG supply and therefore representing an element of double counting:

- 32 West Street – 6 units counted in Appendix 1 and then 6 units counted again in Appendix 2

KBEG agrees with the Council - the development should only be counted in Appendix 1. It is corrected in the Errata. This is a HELAA identified site so does not detract from the identified windfall supply.

- Studmore Farm – 1 unit in Appendix 1 and again 1 unit in Appendix 2.

KBEG agrees with the Council - the development should only be counted in Appendix 1. As before, this is corrected in the Errata and is also a HELAA identified site.

- Application 13/07986/REM has been counted in both Appendix 1 and Appendix 2 (each time for 1 unit) – firstly under the sites original name of Beechwood Gap and then under the new dwelling's name of Crantock.

KBEG agrees with the Council - the development should only be counted in Appendix 1. The changed site address created the error. It is corrected in the Errata and is also a HELAA identified site.

- 78 Booker Lane is counted twice in Appendix 2, against different application numbers – each for 2 units.

KBEG agrees with the Council - the development should only be counted once in Appendix 2 (the first planning application had been flagged as 'pending superseded' in the KBEG database but was not updated when the second planning application was approved). This is corrected in the Errata and is a windfall site which will impact the total calculated windfall supply.

- 79 Marlow Road counted twice in Appendix 2, against different application numbers – each for 1 unit.

KBEG agrees with the Council - the development should only be counted once in Appendix 2 (the second planning application was approved on same date as the KBEG HLA Update

was published and likely missed). This is a HELAA identified site and is corrected in the Errata.

- Collins House is counted in Appendix 2 for 45 units and then again in Appendix 3 for 45 units.

KBEG agrees with the Council - the development should only be counted once in Appendix 2 (the policy site was marked as 'pending superseded' in the KBEG database but was not updated when the planning application was approved). This is a HELAA identified site.

19. In some cases an expired application has been left in and then a subsequent application on the same site also added, also leading to double counting.

KBEG notes there are many examples of sites which, at first glance, might seem to be duplicates with more than one planning application, though these are likely to reflect mutually exclusive approved schemes on the same site. Such sites have been examined during the site assessment in the KBEG HLA and include, *inter alia*:

- 24 High Street High Wycombe;
- 245 West Wycombe Road High Wycombe;
- 3 Buckingham Place Bellfield Road High Wycombe;
- 33 - 35 The Parade Bourne End;
- 35 Jackson Court Hazlemere;
- 4 Priory Road High Wycombe;
- 53 - 55 Hughenden Road High Wycombe;
- 72 Deeds Grove High Wycombe;
- Bledlow Homes Perry Lane Bledlow;
- Burleighfield House London Road Loudwater;
- Castle House 71 - 75 Desborough Road High Wycombe;
- Huckenden Farm Cadmore End Common Road Wheeler End;
- Land Adjacent 40 Main Road Naphill;
- Riverside House Furlong Road Bourne End;
- Ruskin Buildings Oakridge Road High Wycombe;
- Scorpios Bar Crendon Street High Wycombe;
- Station Court Station Road Bourne End;
- The Ice House Dean Street Marlow;
- The Old Courthouse Benjamin Road High Wycombe

20. These duplicates were identified in Excel, however the query relies on the addresses or application numbers being an exact match. In some cases addresses/site names differ so these would not be flagged. For instance Appendix 1 page 2 of the KBEG HLA includes the Fairacre, Priory Road site as a site under construction for 13 units. However this is the same site as Hamilton School, Priory Rd on page 1 of Appendix 2 of the KBEG assessment, again counted as 13 units. Sites can have a different site name but relate to the same site area.

KBEG agrees with the Council – this example development should only be counted in Appendix 1. The changed address gave rise to the error which is amended in the Errata but as a HELAA site, this specific example does not impact on the identified windfall.

21. There may of course be other instances within the KBEG supply where this occurs.

KBEG took steps to identify and eliminate duplicates. Work was undertaken to normalise the raw address data to improve the identification of duplicate applications, though two entirely different addresses for the same site will be unaffected by this approach. In most instances the varying address were picked up while the examining either of the multiple applications Related Cases, and when a different address was encountered the addresses were aligned to the most recent and a common reference value was given to all planning applications. KBEG acknowledges doing this for several sites, though cannot guarantee other examples do not exist. The volume of applications means that some errors might exist, though unlikely for large sites meaning any resulting error will be 4 units or less unit the error identified.

KBEG assures the Council that it has undertaken a further review of sites already within the KBEG HLA database whilst preparing the Errata.

4. The KBEG small site windfall assumption is not fully updated for the change in base date

22. The Council uses historic completion rates on small sites to give an average annual figure for supply from this source. This is counted annually within the housing trajectory, phased to ensure it is not counted in the same year as identified small site permissions – ie no windfall allowance is included in the first 4 years – to reflect the 3 years life of a permission that may have been granted in the most recent year and a further year to allow build out. This avoids double counting of identified planning permissions and a windfall allowance (which by definition relates to unidentified sites).

23. KBEG, in paragraph 61 of their response, state that they have counted 12 years of small site windfall allowance, between 2021-33 – 576 dwellings. Given the base date of their supply is 25 June 2018 this should be reduced to at least 11 years (2022-33) (528 dwellings) to ensure no double counting with their small site permissions. This is best demonstrated with reference to the housing trajectory in Table 3.2 of the Wycombe Monitoring Report Technical Appendices 2015-17, the relevant page of the table being on page 20.

KBEG agrees with the Council and the change is made in the Errata.

5. KBEG do not count the loss of long-term vacant or derelict dwellings (10 years or more).

24. The KBEG assessment does not include these losses but there is no reason not to – see part ix, para 6 of the KBEG response. The overall effect is that dwelling stock is lost from the supply – the fact that it may have been long term vacant does not matter.

25. This runs contrary to the Council's approach and would clearly result in an over count of dwellings from those sites. Government recording of Local Authority statistics, particularly the Housing Flows and Reconciliation return, begins with the dwelling stock figure for the District and then applies all additions and losses to the stock in order to arrive at a new District stock figure annually. To miss those losses from either that calculation or our assessment of supply would be misleading.
26. In paragraph 10 of their response to the Council's questions KBEG identify that Sidney house was a HELAA rejected site and yet is subject to a housing allocation. Sidney House has permission for 19 units (17/06891/FUL) however the demolition will result in the loss of 33 units, overall resulting in a net loss of 14 units. These may have been vacant for some time but their loss must still be accounted for. The redevelopment will result in an improvement in the quality of housing stock within Wycombe but does not increase the overall amount of dwellings. The KBEG assessment counts a net gain of 20 (see KBEG HLA Appendix 3, page 4 – RUR3). Sidney House is a site rejected by the HELAA simply because it does not meet the site threshold of 5 net dwellings. These losses will be picked up through the Council's annual monitoring process and recorded against our stock if and when the scheme takes place but are likely to be offset by the release of the adjoining land proposed for release from the Green Belt under RUR3.

KBEG would like to clarify to the Council that Sidney House is the only instance of a site it is aware of where such long-term decay applies rather than being representative of a wider approach. An expanded account of KBEG's view over this site is given in the attached KBEG response to the Council assessment, though is summarily stated that the amount of decay at Sidney House was most aptly evidenced in 2012 when the Council sold the site at an effective price of just under £3,800 per dwelling at which point the "vacant shell" was reasonable considered lost.

The Policy RUR3 green belt site adjacent to Sidney House was awarded an estimate of 20 units supply in the KBEG HLA (calculated from same site density for the 33 units at the Sidney House site). The recent planning application for 19 dwellings at Sidney House achieves 12 dpa so KBEG have adjusted the forecast to down to 15 dwellings to again aligns with the adjacent density. The Council assessment that the site would not meet the threshold of 5 units implies the 1.3 acre site would deliver no more than 4 houses.

6. KBEG include an element of supply from student accommodation releasing dwellings into the housing supply.
27. The Council note this approach and the underlying guidance in the PPG. However there is not an automatic presumption that the additional student housing frees up dwelling stock. There is a need to go back to the underlying assessment of need.
28. The key issue is how the student population has grown in the past and how it is likely to grow in the future. Students are included in the population projections, but any in halls of residence are removed before household formation rates are applied to generate household numbers. However, the OAN assumes that there is no growth in the communally housed population under the age of 75 years. This means any additional students are assumed to live in private housed accommodation.

29. If actual student growth is higher than the projected student growth in the projections then students will be included in the OAN, so their needs are already counted. If this is the case you can count student in halls in the supply because the halls of residence are accommodating students who are assumed to be housed in private housing.
30. However, if future student growth is projected to be higher than the actual growth in numbers then they won't be included in the OAN. On this basis, if they are not in the demand side of need and they also should not be counted in the supply side.
31. KBEG have not advanced any information in relation to the need side of this issue to justify their inclusion in the supply.

KBEG note that NPPG provides clear advice that "all student accommodation ... can be included towards the housing requirement" (NPPG Paragraph: 3-038-20140306). In this regard, the Central Bucks HELAA Methodology also confirms "for the purposes of HELAA, 'housing' is defined as includes market housing, affordable housing, C2 uses for care homes and student accommodation ...".

The 'Notes and Definitions for the Housing Flows Reconciliation form' confirms "all student accommodation and housing for older people can be included in the assessment of supply in local plans, regardless of whether it is communal or on or off campus."

NPPG advice does not apply condition that student accommodation might only be included toward the housing requirement where it is first demonstrated there is a need for such accommodation, though KBEG recognise the Council has the freedoms to apply its own acceptable policy over this matter.

However, in lieu of any relevant policies, the KBEG approach reflects the considered approach adopted by other Councils over its student accommodation supply to determine the amount of market housing that would be released (or not otherwise occupied by students) as result of new purpose-built student accommodations in line with NPPG advice.

The Council's approach to Monitoring of Sites

32. In the light of the Council's comments on the KBEG HLA, it is important to highlight the Council's approach to monitoring. The monitoring function uses a GIS based database in order to try and eliminate issues of double counting as the mapping element of the monitoring means it is easier to identify applications where, for instance, part of the site may already have been built out under an earlier application. This means that earlier applications can be partially or fully superseded in order to avoid double counting. These are not always straightforward to identify from the application files alone as site addresses may differ.
33. The Council use a combination of Building Control and NHBC records and an annual site survey in order to monitor starts and completions, and also applications which have expired. Expired applications are excluded from the housing supply assessment unless a landowner/developer has a clear intent to come in with another scheme and the site can be

demonstrated to be deliverable or developable. Monitoring and housing supply information is of course, also informed by information from colleagues in Development Management who are directly involved in the sites.

34. The site survey plays a vital part in identifying sites which have started/completed but for which we have not received Building Control notices and those for which have received a notice but it may be somewhat misleading. For instance a site may be 'started' in Building Control terms but this may only mean an inspection pit has been dug. For monitoring purposes we require a site to be above foundation level in order to be started. It is not uncommon for sites to reach foundation stage and then be abandoned. Also, some units may not receive Building Control sign-off for several years after having been inhabited (if at all) so again these can be picked up on survey.
35. Housing supply assessment of sites goes further than this in looking at the availability and achievability of sites. The methodology for this is set out in the Bucks wide methodology paper and in the Wycombe HELAA itself but the assessment of the availability and achievability of sites is important in determining whether sites are either deliverable, developable, or neither.

Other Comments on the KBEG HLA (ie Matter 3 statement)

KBEG comments that the Matter 3 Hearing Statement is confused with the KBEG HLA submitted as attachment with its Regulation 19 Representation concerning Policy CP4 or the KBEG HLA Update which was submitted as attachment to its Matter 3 Hearing Statement. While the Matter 3 Statement summarily references to the conclusions of the assessment, it is not in itself the KBEG HLA.

36. The Council notes that the KBEG HLA is essentially based on Appendices 1-4 of their assessment. The subsequent appendices analyse the data in different ways and are not all mutually exclusive from the earlier appendices.

Concerns have already been expressed by KBEG over the context of Council assessment of the KBEG HLA (albeit in this context KBEG believes the Council is referring to its Matter 3 Hearing Statement). The Council assessment does not appear to recognise that core output from the KBA HLA is the 'windfall' and 'prior approval' data extracted from amongst the baseline planning applications and provided in the KBEG HLA Appendices 5 and 6, or the other sources of supply not included in the HELAA which are discussed in the KBEG assessment.

37. Paragraph 10 of the KBEG HLA refers to various other sources of potential supply that are not counted in their assessment of supply. The Council has already set out its position in relation to office to residential development allowances and allowances for development on garden land.

In the interest of brevity, KBEG note Council references to the KBEG HLA in paragraphs 42 – 45 of this response are made over the KBEG Matter 3 Hearing Statement which is not the KBEG HLA.

KBEG is aware of the Council position in relation to office to residential development though KBEG considers the Council is aware of the potentially significant supply from this sector if for no other reason than the assessment provided in the KBEG HLA Appendix 6. The HELAA forecast a supply of between 388 and 517 dwellings over the remaining plan period (HELAA, paragraph 52) which amount of delivery could mitigate the housing supply to gained by the removal of green belt at BE2 Hollands Farm. The purpose of the KBEG HLA in this regard is to provide an analysis over the amount of capable supply from this sector that can be viewed in the context of additional supply.

The activity from 'prior approval' applications were specifically monitored in the KBEG HLA with some striking observations. The up to date KBEG HLA Errata includes a monitoring note that planning applications for 'prior approval' developments account for a capable supply of over 1,200 dwellings, albeit not all have gone on to be developed under the prior approval application but rather an enhanced full planning application typically required for additional development works. But in the context of the KBEG HLA that is less important, since the purpose was to consider whether alternative sites are generally available, and some considerable supply results.

KBEG note that the first office to residential permitted development scheme was introduced in May 2013 which aged date allows some 5-years trend analysis.

38. At para 10(c) KBEG suggest that there could be scope for counting the over-supply from delivery against the Core Strategy housing requirement since 2006. The Council does not support this approach as the slate is effectively wiped clean in 2013 both by the abolition of the South East Plan on which the Core Strategy housing requirement was based and the start of the Local Plan period which is itself based on an assessment of OAN starting in 2013.

KBEG would like to reconfirm the comment it provided in response to the Council questions that NPPG advice plainly states "*... consideration can be given to evidence that the council has delivered over and above its housing need in previous years*" (Appendix 2 to this note, paragraph 21).

However, KBEG acknowledge the Council has the freedoms over whether it considers past over-supply or not. The 942 dwelling excess supply was made against a housing target considered to be sound and valid at that time (for otherwise it would not have been adopted). A knowingly simple summary of the situation might consider that had the additional dwellings not been delivered during the 2006-2013 period (before the Core Strategy was truncated by the new Plan in 2013), then these sites would still be available for development today. Of course, this is a simple view (as caveated) but it does not overlook the NPPG support that some accounting consideration can be made. The KBEG view, is that the Council has opportunity to legitimately mitigate the release of some green belt land though failed to turn this stone over.

39. In relation to housing delivery at Princes Risborough raised at para 10(d) of the KBEG HLA, the Council sets out its position and justification for the delivery rates in its Matter 8 statement and in the Princes Risborough Topic Paper.

KBEG acknowledge the Council's position, though note site promoters commented at the Matter 3 Hearing the delivery might be sooner or greater than the Council envisages.

40. The Council notes the information set out with regard to applications in the pipeline but, notwithstanding the fact that not all of these are likely to receive planning permission, to take account of these raises the same issues highlighted earlier in this response.

KBEG has previously confirmed to the Council that applications pending in the planning system are not accounted in the KBEG HLA supply of deliverable windfall sites. The context for these pending applications (KBEG HLA Appendix 8) is to gain no more than a view over the number of additional sites which are promoted for development (not included in the HELAA). This aligns to some degree with the KBEG HLA objectives to determine whether alternative sources of supply are generally available. A small number of applications and capacity for windfall development might indicate issues with supply whereas a buoyant number of applications with high capacity for windfall development that there are few issues with sites generally available.

KBEG is clear that not all sites are expected to be granted planning permission, though some additional supply will undoubtedly result.

Detailed points in response to KBEG's answers to the Council's questions in Appendix 1 of this note

41. The KBEG response to the Council's questions begins with a section on 'Data collection and Methodology':
42. In para 6 part iii. Of the KBEG response an example is given to demonstrate that refused applications have been excluded. KBEG suggest they have "ignored" refused applications and give the example of Glory Mill in Wooburn Green, This site is currently subject to a non-determination appeal. Rather than being "ignored" the site is listed as potential windfall – though not counted within the supply Appendices 1, 2, and 3. It is referred to in Appendix 8 'Planning Applications Pending Decision'.

KBEG clarifies that the Glory Mill Wooburn Green site is not counted as potential windfall (or indeed are any of the other planning applications pending decision). The site is included amongst the various pending applications which is plainly listed in KBEG HLA Appendix 8 (Planning Applications Pending Decision).

Windfall sites are identified in KBEG HLA Appendix 5 and the Council may verify the Glory Mill site is not included amongst this identified windfall list.

43. Para 25 of the KBEG response states that "For the main part, the KBEG HLA does not contest the HELAA but rather builds upon the site database to bring it up-to-date for the Examination by identifying all current sources of housing supply". One of the Council's concerns is that the KBEG supply builds upon, adds to the supply but without allowing for the element of supply which each year falls away. Sites which are no longer available, go to another use, are no longer viable and permissions which lapse and expire.

KBEG agrees that it is necessary for the Council to balance deliverable supply with that which falls away each year in the annual monitoring updates. The KBEG HLA does not propose a materially different approach and would have updated the KBEG HLA Update with site progress and expired applications had the latest monitoring information been readily available at that time. Since the Council was able to provide the 2018 monitoring data this precise action has been undertaken in the KBEG HLA Errata provided as attachment. The Council will be able to satisfy itself that the windfall data in Appendix 5 (and indeed the baseline data together with the windfall data which forms Appendix 2) has been updated with site progress and expired planning permissions.

The core ambition for the KBEG HLA assessment was to consider whether alternative sources of land are generally available, and the assessment looks at several areas in order to draw conclusions against this objective. The simplest of these potential sources of supply (since it can be easily verified as is demonstrated by the common ground site assessment) considers the assessment of windfall as it exists in the planning system today. Further comment to the background and approach is provided in the attached KBEG response to Wycombe District Council.

However, KBEG stands by the statement referenced by the Council which underlines the context for the KBEG HLA. The purpose, as is written, identifies all sources of housing supply beyond those already identified in the HLEAA.

44. Paragraph 29 states that KBEG considers “that the various mechanisms for reporting site progress are, at times, less robust by comparison to a planning decision notice. This facilitates the possibility that what might appear on paper to be a lapsed permission is in reality a commenced development”. The Council hope that KBEG will be assured that sites are visited on the annual survey before being recorded as time expired. This allows for the any mis-reporting, or lack of reporting of site progress to be picked up. Additionally if it were to come to light that a site had commenced that had been previously recorded as expired this would of course be added back into the supply.
45. The Council would also like to assure KBEG, in response to paragraph 34 of their answers, that if a site has a permission and is then subject to minor amendment applications, alternative schemes etc the expiry date for that site/scheme is extended to reflect the additional time that the new application would cause the permission to be live for. Before sites are written off as expired additional checks are made to look for these types of applications on a site.
46. The above is demonstrated in the example of West Yard, as highlighted by the KBEG report, paragraph 34. The original application was in 2014 but the deadline was extended to reflect the subsequent applications for material amendments – this is why the site was recorded as ‘not yet started’ in the 2015-17 Monitoring Report. The site is now under construction.
47. Paragraph 35 goes on to highlight the site at Willow Reach, Wooburn Moor (06/07623/FUL). KBEG suggest that this “planning application has clearly lapsed” despite being recorded in both the HELAA and Monitoring Report as not yet started. The site has permission for two plots. One plot has been built out but the second remains not yet started. As such the permission remains live and has not lapsed. It could be taken up at some point in the future.

The first plot was built out in 2011, reflecting the extended period that some sites can take to come forward.

KBEG concedes its response to the Council questions might have been phrased better but the substance nevertheless confers that a subset of planning applications (seemingly lapsed by causal observation of the planning application date number) were included in the KBEG assessment on the basis that the Council had exercised necessary due diligence in its approach to include the same sites in the HELAA and monitoring updates. The KBEG HLA effectively duplicated the HELAA sites to create the baseline in order to provide a context for the windfall since any sites before 2013 would have failed to be otherwise included in the assessment.

KBEG note its mistaken assumption to assume an aged planning application has lapsed is considered indistinguishable from the Council's observations made in paragraph 16 (for no greater reason than the aged planning applications are likely to originate from the Council HELAA and monitoring update).

48. In terms availability and deliverability KBEG confirm in answer to question 2 that they "did not undertake detailed assessments of individual sites beyond the examination of the planning application and WDC data sources". KBEG go on to detail a scheme at Wharf Business Centre in Bourne End (paragraph 10). They give this as an example of a HELAA rejected site with planning permission. To be clear the site was granted permission in February 2018, so well after the HELAA's 2016 base date. The site was rejected by the HELAA as being in ongoing employment use. The site has been refused planning permission for residential schemes several times as it had not met the requirements of the Council's employment policies designed to retain and protect employment land. It would have been contrary to the Council's own policies to include in our supply a site which whilst promoted for development was unable to meet the policies such as to allow its release. The recent permission for the site reflects the applicant's ability to now demonstrate that the site could not be marketed for ongoing employment use successfully.

The point of Council comment is unclear. KBEG does not state the Wharf Business Centre site had extant planning permission when it was rejected in the HELAA or that it should have been included as part of the supply at that time.

The KBEG response to the Council questions includes several paragraphs which set out the scope and constraints for the KBEG assessment of alternative sources of land. Paragraph 10 is amongst these and goes to clarify an aspect of the windfall supply. In this instance KBEG confirmed that sites rejected in the HELAA (no doubt for reasons valid at that time) have since come forward into the planning system and gained approval for residential development. The change in planning merits are unimportant to KBEG's assessment, but the capacity for housing supply from the site is important. The example given was randomly selected – another example is Phoenix House Desborough Road (planning reference 18/06759/PNP30) for 24 units.

However, the Wharf Business Centre site underlines the speed at which a change in circumstances may happen from a site being considered 'unavailable' to it obtaining planning permission and beginning development, and to some degree this scenario

supports KBEG's view over sources of PDL land and other land within settlements that has a capability for development even though it might not have extant planning permission or be considered available.

49. Further to this, KBEG state in their HLA Update (June 2018) paragraph 4.2 that Wycombe make no windfall allowance for office to residential permitted development. It should be noted that this is allowed for within Wycombe's small site windfall allowance but the inclusion of a wider allowance for this source of supply is explained in the Council's Matter 3 Housing Statement and in the Housing Topic Paper (TP2).

Appendix 1

WDC questions to KBEG 20/7/18

1. Have you removed expired permissions from the supply?
2. Have any sites been removed from supply due to availability or deliverability issues (i.e. permissions which cannot be delivered)?
3. Can you confirm that applications involving a net loss of dwellings have been included?
4. Can you confirm that numbers are net of demolitions/losses?
5. Please can you confirm that sites with multiple permissions have had these duplicates removed?
6. Can you confirm that reserve matter applications have superseded their outline counter parts and that details have been correspondingly updated as these often change between the outline and reserve matter stages?
7. What period does the Table 2 prior approvals table relate to? 1st March 2013 to June 2018?
8. Do the site lists include permissions which have subsequently gained permission for a use other than C3?
9. Have you applied a discount of 10% to small sites (4 units and under) permissions which are not yet started?
10. How many years of small site windfall have you counted/which year do you count this from?
11. Have you removed expired PAJs?
12. For sites of 5 net and above - have applications yet to be determined been assessed in terms of suitability, availability and achievability?
13. Appendix 4 – please can you confirm that these are all permitted?
14. What is the evidence for the conversion rate of student accommodation to ‘release’ of dwellings, e.g. the 4 bed spaces equates to 1 dwelling?