

## **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.

### **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.
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.

### **WDC comments on the KBEG Assessment**

6. 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.

### **Context**

7. 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 31<sup>st</sup> 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 31<sup>st</sup> 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.

8. The HELAA based assessment showed a total supply of 10,927 dwellings for the Plan period. The 31<sup>st</sup> 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.
9. 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.
10. 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 31<sup>st</sup> 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.
11. The data supplied was as follows:

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

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

**Overall Comments on the KBEG approach**

13. 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.
14. 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).
15. 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).
16. 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.
17. 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.
18. 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.
19. 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.
2. KBEG include sites where the most recent permission is for non-C3 use
20. 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 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.
  - 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.
21. 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.
22. 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.
3. There is some double-counting in the KBEG assessment
23. 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.

24. 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
- Studmore Farm – 1 unit in Appendix 1 and again 1 unit in Appendix 2.
- 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.
- 78 Booker Lane is counted twice in Appendix 2, against different application numbers – each for 2 units.
- 79 Marlow Road counted twice in Appendix 2, against different application numbers – each for 1 unit.
- Collins House is counted in Appendix 2 for 45 units and then again in Appendix 3 for 45 units.

25. 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.

26. 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.

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

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

28. 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).

29. 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.

5. KBEG do not count the loss of long-term vacant or derelict dwellings (10 years or more).
30. 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.
31. 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.
32. 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.
6. KBEG include an element of supply from student accommodation releasing dwellings into the housing supply.
33. 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.
34. 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.
35. 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.
36. 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.

37. KBEG have not advanced any information in relation to the need side of this issue to justify their inclusion in the supply

### **The Council's approach to Monitoring of Sites**

38. 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.
39. 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.
40. 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.
41. 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)**

42. 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.
43. 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.

44. 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.
45. 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.
46. 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.

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

47. The KBEG response to the Council's questions begins with a section on 'Data collection and Methodology':
48. 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'.
49. 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.
50. 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.
51. 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.

52. 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.
53. 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.
54. 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.
55. 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?