

RPS

Response Note to Examination Document EXAM/41

In respect of

Huntingdonshire Proposed
Submission Local Plan

On behalf of

Abbey Properties Cambridgeshire
Limited & De Bene Esse Ltd

Respondent No. 753723

RPS Ref: JCG19995

5 October 2018

Secure & Stable
ADDING VALUE

QUALITY MANAGEMENT

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1 INTRODUCTION

- 1.1 We are instructed by our clients, Abbey Properties Cambridgeshire Limited & De Bene Esse Ltd to submit a response note to Examination Document EXAM/41 produced by Huntingdonshire District Council and received on 1 October 2018.
- 1.2 Examination Document EXAM/41 is a briefing note entitled 'Note for the Inspector Regarding Other Sources of Housing Supply' prepared by the Council as additional work arising from discussions at the Matter 12 Hearing Session.
- 1.3 Our response to this additional Examination Document is set out below.

2 RESPONSE TO EXAMINATION DOCUMENT EXAM/41

- 2.1 At the Matter 12 Hearing Session on 25 September 2018 the Inspector requested that Huntingdonshire District Council produce supplementary evidence on the additional sources of housing supply.
- 2.2 In the 'Note for the Inspector Regarding Other Sources of Housing Supply' (EXAM/41) the Council sets out background information on potential other sources of housing supply. These comprise:
- Windfall sites of 10 or more dwellings
 - Small sites of 1 to 9 dwellings
 - Prior approvals
 - Rural exceptions
- 2.3 It then provides a summary table of these sources of supply, calculating that the combined effect could be a total of 3,478 dwellings potentially arising from these other sources during the remaining Plan period.
- 2.4 We principally wish to comment on the Windfall sites in this response note.

Windfall Sites

- 2.5 NPPF 2012 states that *"Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens"* (paragraph 48).
- 2.6 The glossary in the NPPF goes on to describe Windfall sites as *"Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available."*
- 2.7 To qualify as a windfall site they should be 'available' which we consider to mean that they have an implementable planning permission with all the necessary detailed approvals in place and pre-commencement conditions discharged.
- 2.8 Footnote 11 to paragraph 47 of the NPPF on 'Delivering a wide choice of high quality homes' states that *"To be considered deliverable, sites should be **available now**, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and **in particular that development of the site is viable**. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans"* (our emphasis added).

- 2.9 Two of the four sites the Council list as Windfall sites do not currently benefit from planning permission.
- 2.10 Gladman's application for 120 dwellings at Bluntisham Road, Needingworth (ref: 17/01687/OUT) received a resolution to grant planning permission at Development Management Committee in May 2018 subject to prior completion of a Section 106 obligation relating to affordable housing, provision of open space and maintenance contribution, wheeled bins, maintenance contributions for bus shelters and Real Time Passenger Information system, and subject to conditions. There are 22 draft conditions set out within the Officer's Report. Over 4 months on from this positive resolution the S106 Agreement has not been signed and a decision notice has yet to be issued. The site therefore does not currently benefit from outline planning permission. Thereafter Reserved Matters will need to be prepared, submitted and approved, and pre commencement conditions discharged before this site becomes 'available'. As we understand there is no housebuilder on board the site may also need to be sold before these further submissions are made.
- 2.11 The outline planning application for up to 199 dwellings at Riversfield, Little Paxton (ref: 18/01492/OUT) received a resolution to grant permission at Development Management Committee in September 2018 subject to the prior completion of a Section 106 obligation to secure affordable housing, open space and funding wheeled bins, and subject to conditions. There are 22 draft conditions set out within the Officer's Report.
- 2.12 This planning application has proved highly controversial locally as it follows an application for the same development which was refused planning permission (ref. 17/00108/OUT) in October 2017. That decision was appealed in April 2018. At the June 2018 Development Management Committee meeting, in preparation for the appeal, Members were advised to review the case in light of material changes in circumstances that had occurred since planning permission was refused (i.e. that the 'tilted balance' was engaged). However Members resolved to defend the reasons for refusing planning permission. A further meeting in July 2018 reconsidered the matter and resulted in the Council resolving not to defend at appeal the reasons for refusing planning permission.
- 2.13 A resolution to grant outline planning permission for 18/01492/OUT has been made in this context but the S106 Agreement has not yet been signed and a decision notice has yet to be issued. The site therefore does not currently benefit from outline planning permission. Thereafter Reserved Matters will need to be prepared, submitted and approved, and pre commencement conditions discharged before this site becomes 'available'. As we understand there is no housebuilder on board the site may also need to be sold before these further submissions are made.
- 2.14 It is therefore inaccurate of the Council to claim the four sites listed have been granted planning permission since the 2017 AMR was prepared.
- 2.15 Any uncertainty over the availability of the above two sites would reduce the contribution from windfall sites to just 48 dwellings as opposed to the 363 claimed by the Council.

Small Sites

- 2.16 Our only comment in this regard is to question the Council's position as set out in the penultimate paragraph of page 3 of their Note.

- 2.17 This states that “No further discount has been applied as the anticipated number is based on completions not planning permissions granted. This was based on EXAM/24 which saw no projected completions on small sites in 2021/22 onwards. It is acknowledged that the revised trajectory presented in EXAM/26 estimates 19 completions within 2021/22. 118 dwellings were permitted in 2017/18 which are not included in the trajectory so the completions estimate for 2012/22 is amended to reflect the balance of 97.”
- 2.18 If the Council has applied a simple subtraction of 19 completions from the 118 dwellings the balance should be 99 not 97 units.

Prior Approvals

- 2.19 It was acknowledged by the Council at the Matter 12 Hearing Session that the availability of suitable premises for conversion to residential uses under the Prior Approval mechanism would diminish over time as this is a finite or dwindling resource. This trend is already apparent with 38 Prior Approval completions in 2017/18 compared to a peak of 77 in 2015/16.
- 2.20 The Council itself recognises that predicting future completions from this resource has “*limited reliability*.” We would therefore advocate a cautious approach to the Council’s expectations of 37 dwellings per annum over a 17/18 year period. Even the reduced figure of 574 dwellings (to account for double counting in 2017/18) should carry very limited weight in terms of potential contribution to future housing supply.

Rural Exceptions

- 2.21 The figure of 45 dwellings per annum figure promoted by the Council has seemingly very little foundation other than reflecting the total achieved in the last year which the Council acknowledge represents a “*marked upturn*”. As discussed at the Matter 12 Hearing Session, the adopted policy has delivered relatively few dwellings as rural exceptions and it is too early to form any reliable view on what the draft new policy wording set out in the Submission Local Plan may deliver if found sound by the Inspector.
- 2.22 We therefore contend that very little weight can be afforded to the Council’s estimate that 765 dwellings could be delivered on rural exception sites from 2019/20 onwards to the end of the Plan period.

Summary

- 2.23 For the reasons set out above, we consider the Council’s estimate of 3,478 dwellings coming forward from these potential alternative sources of supply is highly optimistic and is not backed up by the necessary evidence.

3 CONCLUSION

- 3.1 On behalf of our clients, we have a number of concerns in relation to the soundness of the draft submission version of the Huntingdonshire Local Plan. This Note seeks to respond to Examination Document EXAM/41 on Other Sources of Housing Supply.
- 3.2 For the reasons set out in this Note we consider the Council's estimate of 3,478 dwellings coming forward from these potential alternative sources of supply is highly optimistic and is not backed up by the necessary evidence.
- 3.3 Accordingly, we contend that very little weight can be given to the contribution of these alternative sources to the Council's housing supply.