

## MATTER 6 STATEMENT

### 1.0 ISSUE 6 PROVIDING HOMES

**6.1: Are the housing policies consistent with national guidance and supported by clear and robust evidence? Is the identification of strategic sites and local allocations appropriate and is the status of the strategic sites and local allocations policies clear?**

- 1.1 The short answer to both questions is no, but this can be resolved by modifications to the plan.
- 1.2 We have objected to the reduced level of housing provision and phasing mechanism in CS17 and the proportion of housing directed to Tring in Table 9 because they are inconsistent with national guidance and not supported by clear and robust evidence. This is set out in our response to 6.3 and 6.4 below.
- 1.3 We have already set out in our Matter 2 statement that the artificial destination between of strategic sites and local allocations is not appropriate and policy CS3 is not justified. Certainly in the case of Tring, a suitable site has been identified which is deliverable, the most sustainable in the context of alternatives and compatible with Green Belt policy. There are no environmental or planning reasons why the site should be 'reserved'. The site needs to be removed from the Green Belt to enable it to be delivered 'without delay' in line with NPPF policy.
- 1.4 It is worth noting here that whilst the plan seeks to establish a different status between the strategic sites and local allocations, no such distinction appears to be made in the means by which they were treated during the sustainability process and there is a firm basis to translate local allocations into sites for immediate implementation.

**6.2: Is the information in the Strategic Housing Land Availability Assessment (2011) soundly based? Have current economic conditions been taken into account?**

- 1.5 We have concerns in this respect. We are particularly concerned that the evidence base appears to contain little if any assessment of the viability of sites in the context of the cumulative policy burden established by policies in the plan and other national standards (such as the Code for Sustainable Homes). We would have expected this and

it would seem to be a requirement of the NPPF which has been given particular emphasis following the Harman Review's recent report.

- 1.6 Given our client's local and commercial knowledge, we have asked CALA Homes to take an initial look at issues of viability affecting certain sites. We attach that response as an appendix to this statement. It appears to support our concern that the viability issues affecting difference greenfield and brownfield sites have not been addressed. In these circumstances, we see a particular danger on relying on all of the anticipated SHLAA sites being delivered and the plans should include greater flexibility.

### **6.3: Is the apportionment of growth between settlements properly justified?**

- 1.7 Hemel Hempstead is the largest and sits at the top of the settlement hierarchy in Dacorum and appropriately is where most development will be concentrated in the future.
- 1.8 Tring and Berkhamsted are market towns with populations of 12,000 and 18,000 respectively. Tring and Berkhamsted contain a range of shops, services, schools and employment opportunities and both have railway stations with mainline train services to London, Watford, Northamptonshire, Birmingham and beyond. Both market towns are identified as 'Areas of Limited Opportunity' in the spatial strategy (Core Strategy page 54) and we have made representations above that this should be modified to 'Areas Suitable for Sustainable Growth' to reflect their future role.
- 1.9 The Core Strategy makes provision for 1,180 dwellings at Berkhamsted and 480 dwellings at Tring over the plan period to 2031. For Tring that amounts to less than 20 dwellings per annum which is very low for such a sustainable town.
- 1.10 For Market Towns and Larger Villages, Table 1 of the Core Strategy states that the general approach in these locations will be to support development that enables the population to remain stable.
- 1.11 Evidence submitted by CALA Homes to the pre-submission Core Strategy and specifically the report appended to those representations shows that the underlying housing requirement (i.e. that based largely on birth and deaths) within Tring totals 1,181 dwellings over the plan period<sup>[1]</sup>. This means that on the basis of the Council's preferred housing targets, some 700 – 800 families with existing ties to Tring will be

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<sup>[1]</sup> para 6.5, Local Housing Requirements prepared by Barton Willmore Research Team July 2011

forced to seek accommodation elsewhere. This is considered a prudent calculation given that no account is made for on-going in-migration which would further worsen this picture.

- 1.12 Whilst we do not object to the role of Hemel Hempstead in the strategy and the need to support the regeneration of the town, the overall housing requirement for the District is too low. We maintain that Dacorum as a minimum should make provision for significantly more homes in order to meet its own housing needs over the plan period and that the housing provision for Tring is increased substantially (Cala Homes, Core Strategy Pre-Submission representations, October 2011, page 4 para 6 and page 5 para 8). Land at Icknield Way, West Tring has capacity for additional dwellings and therefore the provision for Tring could be increased.

**6.4: Is the overall housing provision based on a sound assessment of supply and demand? In particular:**

- 1.13 We believe that this series of questions requires significant attention in light of the increased importance placed on this matter in recent ministerial statements, the plan for growth and perhaps most importantly the NPPF.

**(a) will the Core Strategy meet the full objectively assessed needs for market and affordable housing in the Borough?**

- 1.14 We have submitted a separate assessment of the needs for market and affordable housing to the Council and refer to the report attached as an appendix to CALA Homes representations rather than reiterate all of its content here. It concludes that:

**6.2 It is clear that the preferred Borough-wide housing target of DBC does not meet the needs of the existing local population through natural change (based on nil/ zero net migration). Notwithstanding this, the Council have also chosen to adopt a more restrictive level within the settlement of Tring, whereby the Council have sought to maintain 2001 population levels.**

**6.3 As we have set out within this Report, a zero (nil) net migration is considered to represent the underlying need of the existing population, below which the settlement will experience increased net out-migration. As a consequence we consider that the Council's suggested housing target options presented in the draft Core Strategy will result in an ageing of Tring's population, as the younger workforce and**

**younger families are forced to contract in number as they migrate elsewhere.**

- 6.4 Our up to date population and housing forecast has demonstrated an underlying need for 12,084 dwellings within Dacorum Borough over the plan period. However, this is the absolute minimum and will not be sufficient to facilitate economic growth within Hemel Hempstead, which is essential given its Regional role as a growth point.**
- 6.5 Given that Tring displays a broadly similar age profile to Dacorum it is reasonable to apportion this growth based on Tring's population relative to the Borough. On this basis we calculate that the underlying housing need within Tring on a zero net migration basis totals 1,181 dwellings over the plan period.**
- 6.6 However, we consider that this represents the minimum housing need within the settlement, and takes no account for the Council's economic growth aspirations, which if to be successful will require greater levels of housing growth within Tring.**

1.15 On this basis, the evidence suggests that the Council is not meeting the full needs of its area. Indeed, this appears to be accepted by the Council in its June 2012 Background Paper HG16 which states that

**"the fundamental question is how much of this objectively assessed development it is reasonable for this Council to meet..."**

1.16 The Council appears to have discounted meeting all of the full assessment of needs early in the process. There is an obvious tension here with the NPPF. The NPPF does not preclude the possibility that all needs will not be met, but in order to meet the test of soundness, the Authority must demonstrate that:

- a. it would not be reasonable to do so;
- b. to do so would not be consistent with achieving sustainable development (as defined in the NPPF, with particular reference to the economic and social objectives as well as the environmental).

1.17 Clearly others will be pointing to additional areas where they believe it would be reasonable to accommodate sustainable development.

1.18 We have a very simple proposition which we hope to be self evident from a reading of the NPPF: where all of the needs are not being met, it is even more important that those development options which do exist are not delayed.

**(b) are the expectations for delivery of existing commitments reasonable?**

1.19 We have concerns in this respect and will wish to consider the Council's response in this respect. Our client has raised concerns about the viability of sites relied upon in the plan. We too have expressed concern that there is no substantial viability assessment of the plan's proposals. We refer back to our comments in respect of question 6.2

**(c) is the proposed trajectory realistic and can it be delivered?**

1.20 This is an area where we believe the plan and the evidence base is particularly lacking. There are three main sources:

- a. SUB1, the pre-submission document in Appendix 2, Figure 2.1;
- b. HG20, housing land availability paper, dated July 2011, Figure 4;
- c. BP2, the annual monitoring report, dated December 2011, Figure 7.

1.21 We have a number of concerns in this respect and will ourselves wish to understand the Council's position at the examination. At this stage we have a number of observations:

- a. there are inconsistencies between each of the three trajectories;
- b. there is no clear explanation of the specific deliverable sites that the Council needs to demonstrate for the first five years of the plan i.e. 2013/14 – 2018/19 and it appears their Council is looking at a different base date;
- c. in all three trajectories, the "annual requirement taking account of past completions" (the blue line) shows on undersupply for the first few years of the plan;
- d. we could not find any calculation of a five year requirement for the first five years of the plan (taking into account the recent under completions), nor the calculations of the availability specific deliverable sites to meet this key test;
- e. the jump in projected housing completions appears optimistic and is clearly an area the Inspector will wish to examine;

- f. for the reasons set out below, we believe the Council's 5 year land requirement should include an additional 20% buffer.

1.22 Paragraph 47 of the NPPF states that "where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land". The Council's evidence base illustrates such under delivery:

- the trajectories referred to above demonstrate under provision in 2006/07 (the height of the housing market), 2007/08, 2008/9, 2009/10;
- the longer term picture is set out in HG12 (the April 2009 SHLAA) at Table 4.1 which shows that an average over the years 1991 – 2008 the actual annual rate achieved was 351 dwellings compared to the structure plan requirement of 360 dwellings.

1.23 We accept that, particularly over the long term, the level of undersupply has been relatively small, but it has nevertheless been (to use the NPPF test) persistent.

1.24 A 20% buffer would increase the likelihood of meeting the minimum housing requirement and provide the additional advantage of choice and competition.

1.25 Given this history of under provision and an apparent political desire locally to restrict the release of new housing sites, it is even more important that the plan is modified to accord with the NPPF by:

- a. including a 20% buffer; and
- b. removing the "reserve" status off those sites which are identified rather than reopen the debate at a subsequent DPD.

**(d) what assessment of previously developed land has been undertaken?**

1.26 There is evidence on this point in various different places, but no doubt the Council will wish to take the lead in addressing this point at the examination.

**(e) is there sufficient flexibility to deal with changing circumstances affecting phasing and delivery – in particular with regard to the economy and financial constraints, landownership and infrastructure provision?**

- 1.27 We believe this plan is unduly restrictive and has little flexibility. As we have suggested elsewhere, we see no reason to hold local allocations in reserve pending a monitoring and site allocation process which will inevitably:
- a. suffer from a time lag in identifying when a shortfall is acknowledged to have existed (given the reliance of looking backward at preceding 31<sup>st</sup> March – 1<sup>st</sup> April completions which will not be published until the following December);
  - b. be slow in responding given the lead in times for site allocation DPD approval which can last several years, subsequent masterplanning and then the planning application process.
- 1.28 By making a distinction between strategic and local allocations the Council has not only restricted the ability of the market to meet identified needs but also limited its ability to respond promptly to changes in circumstances, such as a failure of its preferred strategic sites to come forward as quickly as hoped for. This can be rectified by:
- a. removing the reserved status of local allocations;
  - b. introducing the PINS model policy on the presumption of sustainable development and removing any internal conflicts that would arise in the plan.

### **6.5 Bearing in mind the significant need for housing in the Borough, why was the higher growth option discounted?**

- 1.29 The higher growth option appears to have been discounted for political reasons. In response to NPPF para 47, local authorities should use their evidence base to ensure Local Plans **meet the full objectively assessed need** for market and affordable housing in the HMA. The full objectively assessed need identified in the Council's evidence is 12,500 dwellings (para 1.4 HG 16). The NPPF requires significant change in the actions of Local Authorities. This requires changes to be made to the emerging plan. It is wrong to think of the current plan making process as "business as usual". Change is required.

### **6.6 What is the role of neighbouring local planning authorities in accommodating some of Dacorum's housing needs and can it be demonstrated that it is a role which they are undertaking?**

- 1.30 Given that the full needs of district have not been met, we believe the Council will need to demonstrate that how it has confirmed with the Duty to Cooperate in:
- a. understanding the current needs from neighbouring authorities;
  - b. ensuring that its unmet needs are accommodated sustainably elsewhere.

**6.7 Proposed minor change MC26 refers to a shortfall in housing provision of 15% being used as a trigger for action by the Council. What is the justification for the 15% figure?**

- 1.31 MC26 is of fundamental concern and is directly at odds with the NPPF. There is direct conflict with the NPPF.
- 1.32 The NPPF states that authorities should demonstrate a 5 year supply of housing sites (with a 5% buffer or, as we have here, a 20% buffer where there is evidence of persistent underdelivery). The NPPF then sets out these actions which authorities should do where they cannot demonstrate a five year supply with a buffer, with reference to the presumption in favour of sustainable development. The MC26 however states that only a 15% shortfall will trigger action to stimulate supply.
- 1.33 The Council appears to be seeking to change national policy for a plus 20% buffer into a local policy for a minus 15% buffer. There is nothing to support this and we believe it would set a nationally significant adverse precedent if seriously contemplated.
- 1.34 If a 5 year land supply (as defined by the NPPF) is demonstrated (or even predicted), immediate actions should be taken. Any attempt to ignore this until a 15% shortfall exists would directly conflict with the NPPF and suggests that decision makers will be invited to disregard the presumption in favour of sustainable development.
- 1.35 Policy CS17 refers to new housing coming forward in phases. However, the policy is vague and is not clear about whether this applies to SHLAA sites or greenfield sites, site allocations etc.
- 1.36 15% is an arbitrary figure and it is not clear how the policy will work and what precisely is to be measured. If this monitoring is relation to the trajectory, trajectories are often quite erratic due to assumptions the LPA has made about housing delivery. In Dacorum's case, the borough wide trajectory assumes that high levels of housing completions will be achieved in the first 5 years, and will exceed requirements but then declines rapidly in 2015/16 - 2021. Policy CS17 states the Council will intervene if

delivery is less than 15% of what is set out in the housing trajectory. However, in years where requirements and supply are predicted to be finely balanced, the point at which intervention is made could be too late, particularly if the 'control mechanism' is releasing greenfield sites which will have a considerable lag time before completions are realised.

- 1.37 In line with the NPPF, Council's need to identify and update annually a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements with an additional buffer of 20%. Therefore, in monitoring delivery, it is important that actual completions and deliverable commitments are monitored to ensure that there is always a 5 year supply as opposed to monitoring under-performance of the housing trajectory.
- 1.38 In the meantime, it is for the plan to ensure that there is a 5 year supply of specific deliverable sites, and for 6 – 15 years specific, developable sites to satisfy the requirements of paragraph 47 of the NPPF. In order to maintain this position, and given that there are no valid planning or environmental reasons for holding back site allocations, greenfield sites should not be phased. In the case of Tring, supply is already very constrained and there is just one greenfield site allocated at West Tring with the potential to provide more choice and competition in the market for land. Therefore, land at West Tring should be removed from the Green Belt as part of this plan to facilitate a position whereby the Borough always has a five year housing land supply.

**6.8 Should the Core Strategy establish the Council's overall approach to housing densities, as suggested in paragraph 47 of the NPPF?**

- 1.39 We have little to add in this respect, but do not believe the absence of such a policy is of such concern to undermine the soundness of the plan. We are of the view that the plan sets sufficient guidance to ensure suitable housing is provided at appropriate densities.



**APPENDIX**  
**CALA Homes letter**



Simon Prescott  
Barton Willmore  
101 Victoria Street  
Bristol BS1 6PU

20 September 2012



Dear Simon

**Dacorum Core Strategy Examination: Housing Land Availability Paper**

As you have requested I have taken an initial look at the Council's housing land supply position having regard to our interest in land at Icknield Way, Tring (the site subject to Proposal LA5 in the Core Strategy). It is perhaps worth making some general observations about the brownfield sites identified in the town in their Housing Land Availability Paper July 2011.

Committed supply is, as you have noted in our hearing statements, extremely limited. There are just two sites of any size: the Rose and Crown Hotel on the High Street and the former Maund and Irvine site on Brook Street. Both are longstanding opportunities, with applications dating back to 2005. Although I am not familiar with the detailed history of either the fact that neither have been implemented to date would hint at possible constraints to their delivery. Indeed, the latter has been the subject of receivership.

Both schemes comprise solely of flats, with no houses on either. This of course means that neither will be able to address Tring's need for family housing. It is also worth pointing out that both developers and funders are cautious about such developments in the present market environment, particularly given the inherently onerous cashflow difficulties associated with building flats. In the experience of my company, it would be very difficult to raise external development finance for such projects to be delivered in current market conditions.

Each site has further characteristics that will dampen market enthusiasm. The Maund and Irvine scheme incorporates basement parking which will compound the cashflow/viability point mentioned above, while the Rose and Crown development is a mixed use scheme involving both housing and hotel uses which may deter some developers.

This is not to say that the sites are necessarily unviable, but I do think that one needs to consider the timing of their delivery with the degree of caution that their history suggests.



Turning to (unconsented) "defined" sites, what is noteworthy here is that virtually all of such sites in Tring are currently occupied and accommodating apparently viable commercial activities. It is unclear as to the level of investigation the Council has undertaken to assess the availability of these potential sites. As with committed sites, most are small in scale and only Western Road/Miswell Lane is of any significant size (30 units). Although the paper refers to "active developer interest", this site would appear to require extensive land assembly, an inevitably time-consuming and uncertain process.

In summary, therefore, I suggest that brownfield land supply in Tring is severely limited in overall quantity, includes sites of questionable deliverability and, if ultimately implemented, will not meet Tring's need for family homes.

Yours sincerely

A handwritten signature in cursive script that reads "Michael Emmett".

PP Michael Emmett  
Strategic Land Director