

**St. Albans City & District Local Plan Examination  
Matters, Issues & Questions**

**Response to Matter 8 on Behalf of Canton Ltd**

**December 2019**

## **Issue - The Supply and Delivery of Housing Land**

**Q5. *The majority of the proposed housing will be provided on a small number of large sites. Does the Council have a contingency Plan should one or all of these sites not deliver as expected?***

5.1 The Council has no contingency plan in the event that these sites do not deliver as expected. As has been made clear in our Matter 6 Response, the Council intends to limit the level of small-scale development to so as not to suppress demand and price incentives for larger-scale developments.

5.2 Given, then, the restrictive nature of housing supply that does not strictly relate to the broad locations, a lack of diverse range of sites released from Green Belt designation (in terms of scale and location), the absence of smaller allocated sites (without existing planning permission) and very little, if any, safeguarded land it is indisputable that the Council would not have a contingency plan if it cannot deliver housing from its large site allocations. This is not good planning and means the LP cannot be considered to be positively prepared, justified, or effective.

**Q6. *Has there been persistent under delivery of housing? In terms of a buffer for a five year supply of housing sites, should this be 5% or 20% in relation to Para. 73 of the NPPF?***

6.1 There has been a persistent under delivery of housing since at least 2015 for which the earliest Annual Monitoring Report for the District is publicly available. The Council has not once achieved or demonstrated a deliverable five year housing land supply since 2015, and, in relation to Para. 73 of the NPPF, a 20% buffer should be applied. The Council have confirmed this in the current draft Local Plan.

**Q7. *What are the implications of stepped delivery of housing on the supply and delivery of housing?***

7.1 A stepped trajectory, as it is currently proposed by the Council, would have a significant impact on the level of housing supply and delivery in the short run; it would be unable to meet the needs of residents upon adoption, many of whom require suitable housing now, thereby prolonging the already protracted period of time there has been a dismal supply of housing to facilitate growth in the plan area and inevitably worsening affordability issues in the District.

7.2 In its heavy reliance on larger sites, the Council also runs the risk of not meeting the increase in supply and delivery at the appropriate time and in the long run, which would have a detrimental impact on being able to meet housing need for the plan period. The expected housing supply per year at the higher trajectory is invariably above the average supply of housing per year at a sustained trajectory; therefore, a shortfall in supply in even one year at the higher trajectory would put the Council in a very precarious position of being unlikely to deliver its minimum targets as it has been demonstrated there are greater risks in delivering larger sites and this Council has been extremely optimistic in its estimates for lead-in times and build-out rates. There would be little, if any, opportunity to rectify any shortfall in housing supply and delivery in light of the restrictive policies in the Plan as regards windfall housing, particularly the scale that can be provided

and the lack of available land to accommodate any significant amount of provision. Again, for these reasons the Plan is not considered to be a sound one.

**Q8. *What impact will this have on the 5 year supply of deliverable housing land and the delivery of affordable housing?***

- 8.1 As above, the higher likelihood of under delivery associated with larger scale sites would exacerbate the current circumstances in the plan area where there has not been a 5 year supply of deliverable housing for a number of years. A stepped trajectory, then, would have profound consequences on the five year supply of deliverable housing land if at any point during the plan period complications arise in the deliverability of the larger allocated sites in the plan. For a Council that lacks a contingency plan in the event of under delivery, there is a very high risk that they will continue past trends of not being able to demonstrate a five year housing land supply.
- 8.2 This then detrimentally impacts provision of affordable housing, where the majority is expected to come forward in the delivery of the larger allocated sites. The limits on the scale of development in terms of policy and available land in other locations are substantial barriers in the provision of both market and affordable housing which would put the Council in a position where it is unable to address under delivery without a step change in its proposed Local Plan policies.

**Q9. *On the basis of the Plan as submitted, is it realistic it would provide for:***

- a) *A supply of specific deliverable sites to meet the housing requirement for five years from the point of adoption?*
- b) *A supply of specific developable site or broad locations for growth for years 6-10 from the point of adoption?*

***If you contend that the Plan would not provide for either (a) or (b) above (or both) could it appropriately be modified to address this?***

- 9.1 The Council, under their stepped trajectory, would need to demonstrate a supply of specific, deliverable sites for 3,390 dwellings, or 678 dwellings per annum (dpa), with the appropriate 20% buffer. The NPPF makes clear in what circumstances a site may be considered deliverable. For sites with outline planning permission for major development, those allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register should “*only be considered deliverable where there is clear evidence that housing completions will begin on site within five years*”.
- 9.2 Currently, the Council have erroneously included in their *Appendix 2 - Housing Trajectory* a number of categories and/or their associated sites, which cannot be considered as contributing to a supply of specific, deliverable sites. This includes:
- “*small sites with permission*”: Appendix 5 lists small residential sites with permission, however the term small includes sites with major development (10+ dwellings). If the 10 dwellings to be included in the supply for the relevant period comprise a single development, the Council must demonstrate that there is clear evidence this is deliverable and this is not presented in the evidence base;
  - “*outline only*”: As above, the Council have not produced a schedule of sites such that it can be determined which of these are delivered by major developments -

for which there is an onus on the Council to show clear evidence and this also is not available in its evidence base;

- “*where full, outline or reserved matters at post-committee resolution or subject to s. 106 agreements*”: Again, there is no schedule of sites to demonstrate which of these would require the Council to present clear evidence of deliverability;
- “*with application submitted*” and “*with pre-application discussions occurring*”: These cannot be considered deliverable under the definition of the NPPF, and cannot be included.
- “*allocation only*”: For these, the Council must demonstrate clear evidence that they are deliverable, and this is not publicly available as part of their evidence base if it exists.
- all other expected housing figures listed in categories that do not fall under the emerging Local Plan have not been included in categories where permission is extant or where they are on allocated sites as they would not have any such permission or be situated on allocated land. Therefore they, too, cannot be counted as being specific *and* deliverable. These total a staggering 937 dwellings.

9.3 This leaves the Council with a very small number of homes that can be deemed as specific, deliverable sites in the five years from the point of adoption. As presented in the evidence base, including Appendix 2 of the Local Plan document, the Council has somewhere between 659 and 996 dwellings on specific and deliverable sites with extant permission which it expects to be delivered in the relevant five year period; the upper limit is on the assumption that the Council is able to present clear evidence as regards deliverability on major developments with extant permission. A further 1,260 dwellings are on allocated sites, and these will all require clear evidence which the Council has thus far not presented. If it is in a position to do, this total upper limit for supply of specific and deliverable sites for five years upon adoption stands at 2,256 which falls well short of the minimum required. All calculations above have excluded the unanticipated delay factor.

9.4 It is suggested that the Council should make suitable allocations for smaller sites across the District in consultation with developers so that they may be considered as specific, deliverable sites that can and will contribute to the housing supply upon adoption. Certainly, smaller sites face less risk of non or under deliverability and would present a step change in its current approach which is primed to fail. This is attributable to its strict provision of larger allocated sites to which we contend that they may not necessarily be viable at the point envisaged by the Council and, therefore, may not necessarily be developable in 6-10 years if market risks are too great, as set out in the Sustainability Appraisal, or complications arise in meeting planning requirements and/or securing planning permission which in itself may take a substantial amount of time. Therefore, we conclude the Council cannot meet either of the tests in (a) or (b), and are referred our above solution which would sustain a higher level of housing supply in the short and long term, and indeed is a growth strategy in the Sustainability Appraisal which we believe deserved greater merit than it was given.

**Q10. *In overall terms would the Plan realistically deliver the number of dwellings required over the plan period?***

- 10.1 The *minimum* housing target for the plan period is 14,608. This excludes any appropriate buffer that would need to be applied. The Council's housing trajectory as set out in Appendix 2 of the draft Local Plan stipulates that the total housing to be delivered in the plan period is 14,871. This includes 1,891, or 12.7% of this total, to be provided in the form of windfall housing.
- 10.2 Previous Annual Monitoring Reports (AMR) have indicated that windfall allowances have been substantially lower; the 2015 AMR set out an allowance as low as 25 for 2015/16 and increases this to 83 for the 2018/19 year. A close look at the 2018 AMR revises the allowance figure for 2018/19 to 57. Therefore, an expectation that windfall sites will bring forward a sustained 105 dwellings per annum from 2021/2022 onwards is overly optimistic, particularly as past AMRs have been ambitious in their future expectations as regards windfall allowance only to then consistently revise these figures in successive AMRs.
- 10.3 Despite being unable to demonstrate clearly that windfall sites will reliably come forward to meet housing need, the Council seems to bank heavily on their provision to meet minimum targets; indeed, an average supply of only 87 dwellings per annum from 2021/22 in windfall sites alone would render the Council unable to meet need.
- 10.4 This is before tackling the overoptimistic lead-in times and build-out rates in our Matter 5 Response, where overestimations (as measured against the *Start to Finish* report) sum 960 dwellings which is over triple the trajectory shortfall tolerance before the Council is unable to meet need.
- 10.5 Similarly, if even the smallest allocation the Council have made for 365 dwellings, West of Chiswell Green, does not come forward or is unable to deliver three quarters of its designated minimum capacity, the Council will also be unable to meet need.
- 10.6 It cannot be considered the Plan would, therefore, be able to realistically deliver the number of dwellings required over the plan period and it is not positively prepared, justified or effective as a consequence and is also not consistent with the key objective of the Framework to boost significantly the supply of housing.
- Q14. *Is there sufficient variety in terms of the location and types of sites allocated?***
- 14.1 No, there is clearly not a sufficient variety of allocated sites in terms of both location and types. There are two allocations for sites that would have capacity for less than 500 dwellings, and none for less than 300. As these are present at scale development, there is no provision being made for rural housing contrary to Policy 78 of the NPPF, which requires:
- “Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.”*
- 14.2 Certainly, three of the allocated sites form a very substantial proportion of housing and employment land to serve the Hemel Hempstead urban area and its future expansion, with very little regard had to St. Albans existing residents and businesses. Only one site allocation has been made for an existing village, Chiswell Green, and it is in a location which would benefit a very limited number of smaller settlements.
- 14.3 The Council have not demonstrated in any way how or why smaller allocations in smaller settlements, particularly Green Belt settlements, have not been made and therefore fails to address their potential growth in the Plan, and indeed in the future where land has not been safeguarded for these settlements.

- 14.4 An allocation such as that proposed at Colney Heath by our client would provide a significant, and suitable, opportunity for the village to grow and thrive, and would also support local services and infrastructure, to include those in nearby villages, and would have made an important contribution to the Council's housing land supply and targets.



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