

Core Strategy for Chiltern District

Chiltern District Council - Response to Inspector's Questions [ID/4]

MAIN MATTER 3: Overall housing provision and delivery

DATE: 18 March 2011

Final

The following Paper sets out the Council's response to Main Matter 3 'Overall Housing Provision and Delivery' of the document 'Inspector's Main Matters and Questions' ID/4. The Paper has been structured to include the specific questions raised by the Inspector (in bold) and the Council's detailed response to them.

Overall provision and relationship to the South East Plan (SEP)

Q4.2) By proposing 2,400 dwellings, rather than the 2,900 set out in the SEP, is the Core Strategy in general conformity with the SEP? Would some degree of variation from 2,900 still keep the Core Strategy in general conformity? If I were to conclude that local evidence did justify provision for only 2,400 in the SEP (taking into account all other factors), but that the difference from the requirement of the SEP meant that the plan was not in conformity, what would be the implications (given that general conformity is a Regulatory requirement)?

CDC Response:

The relationship between the Core Strategy and the South East Plan is explored in CDN 109, which is the assessment of conformity of the Core Strategy with the South East Plan policies. Page 8 refers to the assessment of the relevant South East Plan, policy H1. CDN 109 was framed in the context

of a housing allocation of 2,400 dwellings over the period 2006 to 2026 in the submission Core Strategy (CDN 105).

Notwithstanding this, the Council has produced three additional evidence documents:

- Chiltern District Housing Land Supply Trajectory (2006 to 2026) at March 2011 (CDN113)
- Assessment of Housing Demand in Chiltern District (2006 to 2026) (CDN114)
- Chiltern Strategic Housing Land Availability Assessment: Update Report March 2011 (CDN115)

These documents have informed the proposed changes to Section 4.2 of the Core Strategy (detailed in document CDN117), which sets out the Council's position on the housing target, acknowledging that the housing allocation of 2,900 dwellings within the SEP is the starting position.

The Council therefore maintains that the Core Strategy as submitted is in general conformity with the South East Plan.

Q4.3) Section 4.2 of the Core Strategy refers to the advice of the DCLG's Chief Planner issued on 6 July 2010 and to the former Option 1 figure, which was the Council's input to the draft SEP. Given that the SEP remains part of the development plan and the Secretary of State's act of revocation on 6 July was unlawful, are these matters now of relevance in justifying the Council's housing provision of 2,400?

CDC Response:

The Council acknowledges that the SEP is part of its development plan. The proposed revisions to Section 4.2 of the CS (refer to CDN117) acknowledge this. The Council would be happy to explore these issues further in the hearing sessions.

Q4.4) Section 4.2 also reassesses the reasons given by the Panel which conducted the Examination in Public of the SEP for recommending that provision in Chiltern be increased from 2,400 to 2,900. Given that the figure of 2,900 has subsequently been incorporated in the SEP as approved by the Secretary of State, to what extent is it justifiable to explore again these particular reasons? How does this approach relate to the Council's acceptance that the SEP requirement should be the starting point?

CDC Response:

The proposed revisions to Section 4.2 of the CS (refer to CDN117) set out the Council's revised position, acknowledging that the SEP is part of its development plan.

Q4.5) In making housing provision below that required by the SEP, how has the Council taken into account the factors in PPS3 paragraph 33? (Paper yet to be produced by the Council.) What weight should be given to factors other than land supply? Is the Council's approach justified?

CDC Response:

The Assessment of Housing Demand in Chiltern District (2006-2026) (CDN 114) provides information linked to the requirements of PPS3 paragraph 33. It examines the levels of new housing which would need to be allocated in the District to make a contribution towards meeting the demand for new housing. This report concludes that, taking into account the national planning constraints of Green Belt and AONB in the District, a range of 2,550 to 2,800 new dwellings over the period 2006 – 2026 would be an appropriate housing target (paragraph 4.0.4 of CDN114). In light of this evidence and acknowledging that the SEP is part of the Development Plan, the proposed changes to Section 4.2 of the CS state that the Housing Target should either be expressed as a range of 2,550 dwellings to 2,900 dwellings, or a figure within that range.

Q4.6) In as much as the Council's justification for 2,400 is based primarily on land supply constraints as the critical consideration, Council to explain carefully how the evidence from the SHLAA (both at the time of submission and in the light of the updating about to be undertaken) leads to a conclusion that only 2,400 can be provided. Is 2,400 the most houses that can reasonably be expected to be delivered in accordance with the strategy?

CDC Response:

The Assessment of Housing Demand in Chiltern District (2006-2026) (CDN 114) identifies that the minimum housing target that the Council can reasonably plan to achieve by 2026 is 2,550 dwellings, without factoring in the likely contribution of housing from small windfall site over the whole period. The Chiltern District Housing Land Supply Trajectory (2006 to 2026) at March 2011 (CDN113) identifies that if an allowance for housing from small windfall sites can be factored in, the Council can reasonably plan to achieve the 2,900 dwelling allocation over the Core Strategy period.

Q4.7) In as much as the Council are correct in suggesting that the SHLAA can only properly give a range of potential housing capacity, should the housing provision in the Core Strategy be expressed as a range or in some other way indicate flexibility?

CDC Response:

The Council considers that the updated evidence shows that the housing target with the CS could reasonably be expressed as a range of dwellings. It is anticipated that this will be a matter for further discussion at the hearing sessions.

Q4.8) Should any past or current evidence of a supply constraint which prevents the delivery of 2,900 required by the SEP, prompt the Council

to undertake a review of the locational strategy? If it did so, where is this set out? If not, why is a review not required?

CDC Response:

The Chiltern District Housing Land Supply Trajectory (2006 to 2026) at March 2011 (CDN113) shows that with an allocation of 2,900 dwellings, the Council has a five year land supply of deliverable housing sites. CDN113 also shows that the Council has a supply of deliverable and developable housing sites to achieve the 2,900 dwelling allocation in years 6 to 10 of the Core Strategy. And factoring in the likely contribution of housing from small windfall sites over the whole plan period, the Council is likely to achieve the allocation by 2026 (year 15). Notwithstanding this, the Council recognises the need for the CS to be flexible and accordingly suggests that an additional bullet point is added to Paragraph 18.2 of the CS to say that if delivery slips as a result of supply constraints, the Council will consider reviewing the Core Strategy in full or in part. Refer to proposed minor change in CDN117.

Land Supply and Delivery

Q4.9) In its response of 8 February to my 1st Preliminary Note, the Council emphasises the limited need to rely on any sites in the SHLAA to deliver its proposed 2,400, primarily only in the last 5 year period. But, in as much as the Council is relying on the SHLAA to demonstrate why a figure below the 2,900 of the SEP is justified, it is essential that any re-assessment of sites in the SHLAA is not constrained by the Council's chosen figure of 2,400. The SHLAA should demonstrate as objectively as possible what capacity, or range, of housing is possible within any given set of policy/locational constraints. I would highlight the request made in my 1st note for any changes made to capacities or sites in the SHLAA to be clearly distinguished and explained.

CDC Response:

The Council has produced the Strategic Housing Land Availability Assessment: Update Report March 2011 (CDN 115) in response to the

Inspector's questions about the SHLAA in ID1. The methodology for this work is explained in paragraphs 2.1 to 2.4.16 of CDN115. From this it can be seen that the work was carried out by starting on a site-by-site basis, examining potential yields at this detailed level and bearing in mind the importance of local character. The results from the site-by-site assessment were incorporated into an overall summary of results from the assessment, in section 3 of CDN115. The work on CDN 115 was not constrained by an overall housing allocation. Changes to the yields which were anticipated to come from SHLAA sites can be seen in the Supporting Appendix to the Strategic Housing Land Availability Assessment: Update Report March 2011 (CDN 115/a). This supporting appendix includes proformas for each site, with details of the dwelling yield from the previous version of the SHLAA (CDN088), as well as the yields which result from the current assessment (CDN115). A comparison can also be made of the respective yields for SHLAA sites by examining the settlement summary pages for each settlement in the Supporting Appendix (CDN 115/a).

The results of the SHLAA Update Report CDN115 were incorporated into the Council's Assessment of Housing Demand in Chiltern District (2006-2026) (CDN114), enabling a comparison of its findings against overall allocation levels, as well as other factors.

Q4.10) Item 1.1 of table H2-2 in the Housing Trajectory (CDN089 or subsequent update) assumes all extant planning permissions of 5 dwellings or more will be delivered. Is this justified? On what evidence has the Council assessed whether these sites are deliverable (and especially achievable - PPS3, paragraph 54)?

CDC Response:

The Chiltern District Housing Land Supply Trajectory (2006 to 2026) at March 2011 (CDN113) was prepared in response to questions from the Inspector in ID1 and it also relates to the Inspector's questions in ID4 (questions 4.10 and 4.11).

Paragraph 3.2.1 of CDN 113 explains the Council's approach to estimating yields from large housing sites with outstanding planning permission and Appendix 3 of CDN113 shows the summary of information about the deliverability of sites following recent discussions with agents for those sites. Therefore this information supersedes the assumption of a 100% completion rate which was contained in the original Housing Trajectory CDN089 (footnote 4 of page 8 and Item 1.1 of Table H2-2).

Q4.11) Item 1.2 of table H2-2 (CDN089 or subsequent update) discounts the supply from small site planning permissions by 10%. Is this justified? Is the discount based on any past evidence of implementation on such sites and, if so, is that evidence still credible?

CDC Response:

Paragraph 3.2.3 of CDN 113 explains the Council's approach to estimating yields from small housing sites and the reason for a reduction of 10% being applied to these types of sites. This 10% figure covers two factors, firstly the expiry of planning permissions, which has been at a rate of 4.1% since 2000. The second factor is a further small discount to reflect the fact that some planning permissions are renewals of existing permissions, rather than relating to new sites.

Q4.12) Is the assessment of the sites in the SHLAA (CDN088 or subsequent update) without planning permission and not allocated in the Core Strategy consistent with the advice in PPS3 (paragraphs 55 & 56)? How as the Council assessed the reasonable prospects of sites being developable, particularly those in multiple ownership? Is the Council's assessment realistic?

CDC Response

The SHLAA sites included in CDN115 are in suitable locations, being within urban areas, and they have no fundamental physical or environmental constraints.

CDN 115 contains information about matters concerning the developability of sites, in particular sections 3.1-3.3 which include an explanation of the approach to these matters taken in the original SHLAA, the Chiltern District Strategic Housing Land Availability Assessment Final Report (January 2008) by Roger Tym and Partners (CDN041), and information about planning permissions which have been granted for housing on SHLAA sites. It is acknowledged that many of the SHLAA sites are in multiple ownership (refer to the proformas in CDN 115/a). Nevertheless the sites have a reasonable prospect of coming forward, being very similar in character to the types of housing sites which have come forward in the District in recent years and therefore reflect the local development market. As referred to by the Inspector in ID1, the SHLAA forms a “basket of sites” which can be drawn upon as part of the various sources of housing land which meet the overall housing allocation. The role they perform can be found within the Housing Land Supply Trajectory (CDN113). The importance of taking a measured approach to the potential from SHLAA sites is also acknowledged in the Council’s Assessment of Housing Demand in Chiltern District (2006-2026) (CDN114), paragraphs 3.1.9 and 3.1.10.

Q4.13) Is the approach to the density of sites in the SHLAA set out in CDN108 justified and appropriate? How has the Council taken into account the relevant sustainable principles in policy CS4 Table 1, including b) achieving higher densities in accessible locations? What are the most appropriate considerations in assessing likely site capacity/density for SHLAA sites? Will the changes in PPS3 (June 2010) make any material difference to previous assessments?

CDC Response:

CDN115 and its Supporting Appendix (CDN115/a), updates earlier versions of the SHLAA and also updates and supersedes CDN108. CDN115 has reviewed site capacity assumptions of each SHLAA site in light of changes made to PPS3 in June 2010 (refer to paragraphs 2.4.8 – 2.4.16 of CDN115 in respect of density considerations). The site assessments carried out for CDN115, which factor in the average density of the surrounding area,

accessibility of the site, and density of recent developments in the surrounding area, have resulted in the total anticipated yield from the suitable SHLAA sites being substantially lower than that anticipated in previous assessments. The anticipated yield from the suitable SHLAA sites is now estimated to be between 901 and 1,269 dwellings (net) as opposed to the 1,775 dwellings identified in CDN088.

Q4.14) The SHLAA (CDN088) excludes sites in a number of categories of location/constraint. If land supply is a constraint on deliverability, should the contribution of sites within any of the excluded categories be reviewed? Could any of these categories make a material contribution to land supply as part of the existing strategy (in policy CS1) or would they require a change of strategy?

CDC Response:

To a large extent this matter has been overtaken by the Council's recent publications in relation to the Inspector's questions ID1, namely the Chiltern District Housing Land Supply Trajectory (2006 to 2026) at March 2011 (CDN113), the Council's Assessment of Housing Demand in Chiltern District (2006-2026) (CDN114) and the Strategic Housing Land Availability Assessment: Update Report March 2011 (CDN115), which are all referred to above. The matters also link to the Council's response to the Inspector's questions on the Spatial Strategy (Main Matter 2) and the Council's response to them (CDC5).

The types of sites which were excluded from CDN088 were those which were not compatible with the policies in the Core Strategy, i.e. sites on employment land, sites within the Green Belt and sites in Established Residential Areas of Special Character etc (listed in paragraph 4.0.5). The Council is committed to reviewing the SHLAA on a regular basis and will consider over time whether any of the original sites identified within the CDN049 not brought forward into subsequent reviews could be identified without a conflict arising between the policies and strategy in the CS. Notwithstanding this, Section 18 of the Core Strategy identifies the contingency measures the Council will put in place to

ensure the continual delivery of housing in the District over the Core Strategy period. As stated in the response to Q4.8 the Council is proposing an additional bullet point to paragraph 18.2, which states that where housing delivery slows down the Council will consider reviewing the Core Strategy in full or in part. Any review could lead to an altered locational/spatial strategy, which in turn, may alter the suitability of sites identified in CDN049.

4.15) In response to a request in my 1st Preliminary Note, the Council has set out (8 February) the past contribution to housing supply from small sites (4 dwellings or fewer) since 1996. The average is 50 dwellings a year. The Council suggest that in years 10-15, a contribution of around 250 dwellings could realistically be provided from small sites.

Q4.16) How does such an assessment take into account the changes to PPS3 (June 2010)? What proportion of past and projected future small sites windfalls are on garden land? Given footnote 31 in PPS3, which defines windfalls, can such sites be described as windfalls since they would no longer occur on previously developed land? Can their possible contribution to housing delivery still be acknowledged?

CDC Response:

It is noted that the definition of windfalls in footnote 31 of PPS3 relates to previously developed sites (NB. PPS3 only provides a definition of previously developed land and not sites). To assist the Inspector, information has been produced in order to show what types of land use have given rise to small windfall sites in the past. This table is included as **Appendix 1** to this Council's response. It shows that 6.6% of the total permissions for new housing in the District over the period since April 2006 to March 2011 has been on small windfall sites comprising land which was formerly residential garden land. This is equivalent to 23% of permissions on all small windfall sites.

Notwithstanding matters relating to the definition of windfall sites in PPS3, it can be said with some certainty that planning permissions for small housing sites will still come forward in the District over the whole Core Strategy period (Refer to CDN113).

Q4.17) In the light of the above, the Council welcomes the opportunity to discuss an allowance from small sites windfalls in the first 10 years of supply. PPS3 makes clear (paragraph 58) that windfalls should not be included in the first 10 years of supply unless there is robust evidence of genuine local circumstances that prevent specific sites being identified (my emphasis). Accordingly, if the Council now seek to include such an element in the first part of the supply, it needs to explain what prevents sites being allocated, including those in the categories which have been excluded, as a matter of local choice, in the SHLAA. Relevant representors on this issue can respond to any such case put forward.

CDC Response:

The Chiltern District Housing Land Supply Trajectory (2006 to 2026) at March 2011 (CDN113) considers the supply of housing in the District at an allocation of 2,900 over the 15 year period of the CS. It shows that to achieve this housing allocation in years 6 to 10 of the CS, given the number of specific deliverable housing sites identified, around 293 dwellings would need to be built on developable SHLAA sites (refer to para 4.2.3 of CDN113). CDN115 identifies that the potential number of dwellings that can be drawn from specific, suitable and developable housing sites is between 901 and 1269 dwellings. With this in mind, the Council does not consider that acknowledging the likely contribution from windfalls in the early part of CS, would prevent specific sites being allocated or identified.

Q4.18) Even if not justified as a contribution to supply in the first 10 years, would small site windfalls provide any flexibility for ensuring delivery of the housing requirement?

CDC Response:

For the reasons stated above and in supporting evidence documents the Council considers that small windfalls will provide a known source of housing over the CS period. Thus the Council considers they will inevitably provide flexibility for ensuring a steady supply of housing over the whole plan period.

Q4.19 Are the indicators after policy CS2 adequate to measure whether the policy is being implemented effectively? Should there be monitoring of where development is taking place and/or its relationship to accessible/sustainable locations?

Noting these matters, it is proposed that the first indicator used to measure the success of Policy CS4, 'Ensuring that Development is Sustainable' is restated for Policy CS2 (see CDN117).

Q4.20) Should any action be proposed if the delivery of new homes falls behind the rate necessary to ensure total provision is delivered within the plan period? If so, how?

Section 18 of the CS deals with this matter in some detail.

Appendix 1

Housing Permitted on Land Comprising Private Residential Gardens (PRG)

Timescale: April 2006 to March 2011

Source: Published Chiltern DC housing planning permissions records

Year	Total Permissions (gross)	Large Site (= > 5 dwellings) (gross)	Small Sites (= < 4 dwellings) (gross)					All PRG Sites (gross)
		Green field - PRG	PDL - Residential Source	PDL - Non Res source	Green field Non-PRG	Green field - PRG	All Small Sites	
2010/11 *	341	5	25	9	0	15	49	20
2009/10	91	0	36	18	5	13	72	13
2008/9	456	40	49	6	4	16	75	56
2007/8	101	2	49	3	4	19	75	21
2006/7	276	74	68	11	5	24	108	98
overall totals	1265	121	227	47	18	87	379	208
annual average		24	45	9	4	17	76	41.6

* as at 2/3/2011

23.0 PRG as % of all Small Sites