



Statement to Local Plan Examination – Matters 2 and 3

Fylde Local Plan

for Wainhomes NW Ltd (Rep ID 67)

Project : 15-415
: Fylde Local Plan
Examination
Client : Emery Planning
Partnership
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Author : Stephen Harris

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1. Introduction

- 1.1 Emery Planning Partnership is instructed by Wainhomes NW Ltd to attend the Local Plan Examination. We have submitted representations on the Publication Draft as well as the Revised Preferred Option of the Fylde Local Plan (October 2015).
- 1.2 Our client's specific interests within Fylde are:
- land at Cropper Road West, Whitehills which is allocated (Policy HSS5) in the Plan for 442 dwellings.
 - Land to the west of Bryning Lane, Wrea Green. This site is an omission site.
- 1.3 Site specific matters are to be dealt with at Stage 2, therefore this statement is solely concerned with the Inspectors questions under Matters 2 and 3.

2. Matter 2 - Issue 3 - Requirement

- 2.1 The Fylde Coast SHMA (2014) set out a range of a range of economic scenarios, two of which (AECOM and Oxford Economics) indicate a requirement in excess of 400 dwellings per annum. The Oxford Economics scenario represents a 'policy-off', integral part of the OAN. However even if it is accepted that the OAN is 370 dwellings per annum, the AECOM 'policy-on' scenario indicates that the Council should be increasing the requirement in order to align housing growth with its economic policy and ambitions. We therefore cannot see why a higher requirement in the order of 420 dwellings per annum has not been pursued.
- 2.2 It is also apparent that the housing requirement figure does not make any allowance for the need for C2 and specialist accommodation. This is despite a very substantial need, as described at paragraphs 10.40 to 10.48 of the draft plan. The need for C2 and other specialist accommodation can either be incorporated within the overall housing requirement (similar to the approach taken in the emerging Cheshire East Local Plan) or set out as a separate requirement (similar to the approach taken in the Cornwall Local Plan). Either way it must be accounted for in the plan and sufficient land allocated accordingly.

3. Matter 3 – Issue 5 Requirement and Supply

Q24

3.1 Q24 asks whether on the basis of the submitted plan does it confirm:

a) a supply of specific deliverable sites to meet the housing requirement for 5 years from the point of adoption;

b) a supply of specific, developable sites or broad locations for growth for years 6 – 10 from the point of adoption?

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

3.2 We assess each in turn.

3.3 Our representations were made against a base date of 1st April 2016. This Examination will be determining whether there will be a 5 year supply at the point of adoption. That date is not known at this stage but we have applied 1st April 2017 as set out in **EL1.001b**.

3.4 We note that the Council accepts that it cannot demonstrate a five year supply of housing land. The issue of 5 year supply has been assessed recently through a number of planning appeals, the most recent being the two Secretary of State appeals at Warton dated 13th February 2017. In those decisions (**EL4.003 and EL4.004**) the Secretary of State states:

"He accepts that the Council can only demonstrate a supply of housing land of between 3.5 and 4.8 years"

3.5 We make the following comments in relation to the methodology for calculating a five year housing land supply.

Stage 1: Identifying the base date and five year period

- 3.6 **EL1.001b** has a base date of 1st April 2017. Therefore, the five year period is 1st April 2017 to 31st March 2022.

Stage 2: Identifying the housing requirement

- 3.7 Notwithstanding our comments on the OAN as set out above, policy H1(a) the minimum annual requirement is 370 dwellings. Therefore the minimum five year housing requirement is 1,850 dwellings.

Stage 3: Identifying the accumulated backlog

- 3.8 The start date of the plan is 1st April 2011. Therefore, the completions in the last five monitoring years and 2016/17 (interim data) should be assessed against a total need over the same period of 2,220 dwellings (i.e. 370 X 6 years).
- 3.9 The Housing Land Availability Schedule (31st March 2016) confirms that there were 1,048 net dwellings completed between 1st April 2011 and 31st March 2016. **EL1.001b** projects 556 completions in 2016/17. That figure is a projected figure and we note that for the first 9 months of the 2015/16 monitoring year there have been 310 completions in Fylde¹. Therefore projecting that forward would result in some 413 completions, which would be 150 less than the 556 in **EL1.001b**.
- 3.10 Against a total requirement of 2,220 dwellings in these five years, the accumulated backlog is 616 dwellings as set out below. This assumes the completions figure of 556 in EL1.001b. A lower completion figure (for example 413 dwellings) will result in the shortfall increasing.

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https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/593887/LiveTable_253a.xlsx

Table 1: completions in Fylde 2011 to 2016

Monitoring year	Requirement	Net completions	Over provision / undersupply
2011/12	370	141	-229
2012/13	370	162	-208
2013/14	370	234	-136
2014/15	370	207	-163
2015/16	370	304	-66
2016/17	370	556	+186
Total	2,220	1,604	-616

Stage 4: Identifying the method of addressing the backlog

- 3.11 We note from paragraph 4 of the Council's Five Year Housing Land Supply Statement that the Council considers the backlog should be addressed in full in the five year period (i.e. the Sedgfield method). We agree for the reasons set out in our original representations and that this the method used when determining application and appeals. However the plan and **EL1.001b** apply the Liverpool methodology, contrary to the PPG², by spreading the shortfall across the plan period.
- 3.12 Therefore due to the inconsistency between the council's documents and Government guidance our clear position is that the accumulated backlog should be addressed in full within the five year period. Based on the Sedgfield approach, the total five year requirement would be 2,466 dwellings (i.e. 1,850 + 616).

Stage 5: Applying the appropriate buffer

- 3.13 We note from the Council's Five Year Housing Land Supply Statement that the Council accepts that the 20% buffer applies. We agree for the reasons set out in our previous representations.
- 3.14 We note from the Council's Five Year Housing Land Supply Statement that the Council accepts the 20% buffer applies to both the base requirement and the accumulated backlog. Again we agree for the reasons set out in our previous representations.
- 3.15 Consequently, the total supply that must be demonstrated to meet the five year requirement is 2,959 dwellings (i.e. 2,466 x 20%).

² Paragraph: 026 Reference ID: 3-026-20140306

Stage 6: Identifying a Realistic and Deliverable Supply

- 3.16 The Council's Five Year Housing Land Supply Statement considers its five year supply at 1st April 2016 to be 3,052 dwellings. **EL1.001b** considers the supply to now be 3,471 dwellings. We consider that the housing land supply is less than that set out by the Council for the reasons set out below.
- 3.17 Our comments on sites in the supply as set out in **EL1.001b** are in Appendix 1 to this statement.
- 3.18 From our assessment in Appendix 1 at least 790 homes should be discounted. There are other sites in the supply without planning permission and it is for the Council to justify why they should be included. **EL1.001b** does not do so and therefore unless robust evidence is provided by the Council further discounts should be made.
- 3.19 Against a 5 year requirement of 2,959, the supply is 2,681 (4.5 years) at best.

Lead-in times and build rates

- 3.20 As above, paragraph 3-031 of the PPG explains that plan makers will need to consider the time it will take to commence development on site and build out rates. We consider that the lead in time set out by the Council on sites where development has not started are not realistic. Factors which must be taken into consideration are:
- how long a planning application will take to prepare, submit and be determined (if the site does not already have planning permission);
 - how long it will take for the S106 agreement to be negotiated and agreed;
 - whether an allowance needs to be made for the site to be sold to a developer / housebuilder;
 - how long it will take for applications for reserved matters and discharge of conditions to be made, considered and approved;
 - whether there is infrastructure that needs to be put in place before the site could start delivering dwellings and how long this will take; and,
 - whether there are any other site specific considerations, which would affect a start on site.
- 3.21 In terms of build rates, we note that the Council's trajectory assumes a build rate of around 30 dwellings per annum. We agree that this is an appropriate average based on our client's experience in the area.

3.22 The Council will need to demonstrate why it considers some of the larger sites will have multiple developers involved from the commencement of construction. Whilst we accept that sites of a certain size may be developed by multiple developers over the lifetime of their delivery, the Council does not provide evidence to demonstrate that multiple housebuilders will simultaneously be on site from the outset. Until this is evidenced, the standard build rate of 30 dwellings p.a. should be applied. This has the effect of reducing the deliverable supply.

Empty homes allowance

3.23 The Council includes an empty homes allowance of 10 dwellings per annum in the five year period. Paragraph 3-039 of the PPG: "How should local planning authorities deal with empty housing and buildings?" states:

"The National Planning Policy Framework encourages local authorities to bring empty housing and buildings back into residential use. Empty homes can help to contribute towards meeting housing need but it would be for individual local authorities to identify and implement an empty homes strategy. Any approach to bringing empty homes back into use and counting these against housing need would have to be robustly evidenced by the local planning authority at the independent examination of the draft Local Plan, for example to test the deliverability of the strategy and to avoid double counting (local planning authorities would need to demonstrate that empty homes had not been counted within their existing stock of dwellings when calculating their overall need for additional dwellings in their local plans)."

3.24 The Council has not provided robust evidence to demonstrate that there would be no double counting of empty homes. At the Publication stage we stated that this is an issue which requires clear information and data to fully understand whether such an allowance can be made.

EL1.001b sets out the justification. It states:

"The Council publishes evidence on its strategies for bringing empty homes back into use via reports to the Environment, Health and Housing Committee. From April 2014 to July 2016 there has been a significant and continuing reduction of 122 (2 years plus empty). Therefore, it is considered reasonable to include an allowance for 10 dwellings per year. The Council includes an allowance for 50 long term empty homes re-entering the market in its five year housing land supply calculation."

3.25 We consider that this is not the robust evidence required for the following reasons.

3.26 The first is that the requirement in Policy H1 is a net addition to the housing stock. It is not a gross figure and additions to the housing stock must be balanced against any losses. The Council is adding 10 homes per annum due to empty homes being delivered so they are adding these

sites to the supply and see them as a net addition to the housing stock. However we are not aware that the Council subtracts a home from its housing stock when it becomes a long term empty, for example in the same as they would with a demolition.

3.27 The second is that the Council states that from April 2014 to July 2016 there has a continuing reduction of 122 empty homes. However the DCLG Live Table 615³ provides data from 2004 to 2015 of long term empties. The data is set out below.

Table 2: Difference in long term empty properties each year since 2004

Year	long term empty properties
October 2004	538
October 2005	659
October 2006	659
October 2007	673
October 2008	765
October 2009	754
October 2010	771
October 2011	724
October 2012	653
October 2013	581
October 2014	506
October 2015	537

3.28 The table shows that in the last 11 years there has been a net decrease of 1 long term empty home. Therefore if we are to accept an allowance of 10 per annum, then it is necessary for the Council to demonstrate that when the number of long term empty homes increased from 538 in 2004 to 724 in 2011 that those 188 homes were treated as a net loss to the housing stock. The same applies between 2014 and 2015 when there was an increase in empty homes of 31. We have seen no evidence that increase in empty homes are treated as losses.

3.29 Therefore the Council cannot rely on an empty homes allowance as a net addition to the housing stock.

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/519505/LT_615.xls

Summary in relation to five year housing land supply

- 3.30 In summary, the Council accepts that it cannot demonstrate a deliverable five year housing land supply. In our view, the shortfall is significantly more than that set out by the Council in **EL1.001b**. The implication of this is firstly that more sites are required to address the shortfall.
- 3.31 Secondly, in accordance with paragraph 49 of the NPPF, relevant housing land supply policies are out of date. Even if there was a small oversupply we say that further sites should be allocated in any event to ensure that there is a ready supply to ensure that the plan would not be out of date soon after adoption if a critical assessment is subsequently undertaken, for example through a planning appeal.
- 3.32 For example since the Wigan Core Strategy was adopted in September 2013 they have not been able to demonstrate a 5 year land supply with the consequence of not having an up to date plan and planning appeals being successful. With the benefit of looking back now, this was due to the housing trajectory not identifying sufficient sites or unrealistic expectations from allocations.

b) a supply of specific, developable sites or broad locations for growth for years 6 -10 from the point of adoption

- 3.33 Paragraph 10.17 states that the plan will deliver 7891 homes, as against the requirement of 7768. This is an over provision of 123 dwellings (1.5%) or 6 homes per annum. This requires a minor slippage in the trajectory to result in the plan not providing the necessary homes. For example if sites such as Whyndyke Farm or Queensway do not deliver at the annual rates envisaged then even now it can be concluded that insufficient sites have been allocated.
- 3.34 Policy DF1 of the draft Local Plan states that the Council will deliver a minimum of 7,768 dwellings by the end of the plan period to 2032. As above, 1,048 dwellings have already been delivered between 1st April 2011 and 31st March 2016. This leaves 6,720 dwellings. We have not updated these figures as **EL1.001b** does not set out an updated trajectory to a 2017 base date for the whole plan period.
- 3.35 Whilst the Council accepts that some windfall development would come forward, it only considers that this would be on small sites. We therefore have concerns as to whether the plan would provide sufficient land to meet that requirement. We have already identified above a shortfall in the five year housing land supply, but there is also an issue in terms of supply over the

whole plan period. Our representations previously referred to the Local Plans Expert Group published its report to the Communities Secretary and to the Minister of Housing and Planning in March 2016 and their conclusions remain applicable as their conclusions reflect precisely the concerns that we have in respect of the Fylde Local Plan. There is insufficient flexibility to deal with changing circumstances, specifically a failure to deliver housing at the anticipated rates. Consequently, the reality is that any slippage from the identified sites could result in the housing requirement not being met. This would have serious implications in terms of the failure to meet identified housing need, and also the plan would be out-of-date. This could happen almost immediately following adoption, as has been widely experienced elsewhere.

- 3.36 We consider that a flexibility allowance is required, in the order of 20%. This would give a reasonable degree of security that should sites not deliver at the rates anticipated, a 5 year housing land supply could still be maintained and the overall housing requirement could be met.

4. Appendix 1 – Comments on Trajectory

SL1 Lythan and St Annes Strategic Location for Development

- Queensway, St Annes – This site is now in the early stages of construction and sales have not yet commenced. Therefore it will not deliver 30 completions by 31st March 2017. It is also only being developed by Kensington Developments at present therefore we question the achievability of 60 dwellings per annum. The developer can advise the Examination on their expected rates of development going forward but as **EL1.001b** only sets out one developer on the site we consider 30 dwellings per annum should apply.
- Fairways Garage, Heeley Road, St Annes (20 dwellings) – A resolution to grant outline planning permission was made on 30th July 2008, yet the S106 has not been signed over 8½ years later. A site visit confirms the site is still in use for car sales;
- Kingsway Garage, St Annes (30 dwellings) – A resolution to grant outline planning permission was made on 10th October 2012, yet the S106 has not been signed almost 4½ years later;
- Axa Data Centre, Lytham (45 dwellings) – A resolution to grant outline planning permission was made on 4th September 2013, yet the S106 has not been signed 3½ years later;

4.1 On the basis of the above some 245 homes could be discounted.

SL2 Fylde –Blackpool Periphery

- Coastal Dunes – The Environmental Assessment by Persimmon for application (16/0062/REM) states “The buildings will be constructed using standard construction techniques. The houses will be built at a rate of circa 30-50 per year with typically only 5 to 10 houses being constructed at any one time”. Therefore the 60 dwellings proposed in the trajectory should be revised to potentially 40 per annum. This would result in a reduction of 100 dwellings.
- Cropper Road West – This is site HSS5 and is controlled by Wainhomes. Wainhomes are currently developing on the eastern side of Cropper Road (Site MUS1). We are currently preparing an application for submission to the Council. Therefore we can confirm the site is deliverable. However in light of the land to the east of Cropper Road currently being developed for 145 homes and 80 homes respectively, we would expect first completions on HSS5 in 2021-22 and for 30 dwellings to be achieved. We have therefore moved this site back by one year resulting in a reduction of 60 dwellings in the 5 year period.
- Cropper Road East – Wainhomes have two sites here for 145 and 80 dwellings respectively. The trajectory is correct for the 145 dwelling scheme but the permission for the 80 dwelling scheme should be pushed back to 2 years. This results in a small reduction in the 5 year supply of 5 dwellings.

- Whyndyke Farm, Whitehills – From a site visit there is no evidence of any development commencing. The site only has an outline consent and once a developer is brought on board then a reserved matters application would need to be submitted. At present we have significant reservations on any meaningful development taking place on this site in the 5 year period and **EL1.001b** does not provide any information to provide us with any comfort that there will be. There are 210 dwellings in the supply from this site and at the Examination the Council will need to provide clear evidence on the level of delivery from this site.
- Land to the rear of 11-63 Westgate Road, Squires Gate (70 dwellings) - **EL1.001b** sets out the latest application as one for 70 dwellings. The online planning file shows that the S106 has not been signed almost 4 years later. However undertaking a search on the address shows a more recent permission (16/0194) for 25 dwellings which was approved on 25th November 2016. A site visit shows the site under construction therefore this would be the recent consent and therefore a reduction of 45 dwellings is necessary;

4.2 On the basis of the above some 420 homes could be discounted.

SL3 Warton

- Land opposite Blackfield End Farm - **EL1.001b** states that the site is being actively marketed. An application for approval of all reserved matters (access, appearance, layout, landscaping and scale) for the erection of 343 no. dwellings and associated garages was made in February 2017. However this is an application by Hallam Land Management who are a land promoter and will not be developing the site. Therefore whilst the site is clearly deliverable and progressing through the reserved matters application a developer still needs to be brought in who may require their own application for their own house types. The site should be pushed back so first completions start in 2019/20. This results in a reduction of 45 dwellings at least.
- Oaklands Caravan Park (53 dwellings) – This site is still in active use as a residential caravan park and is not available. For development to take place then the existing residents would have to be relocated. We discount the 53 dwellings.

4.3 On the basis of the above some 98 homes could be discounted.

SL4 Kirkham

- West End Residential Park, Kirkham (27 dwellings) – A resolution to grant planning permission was made on 10th October 2012, yet the S106 has not been signed almost 4 years later and 27 should be discounted.