

**Derby City Local Plan Part 1:
Core Strategy Examination**

**Supplementary Hearing
Statement on behalf of:**

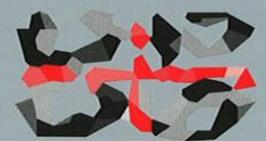
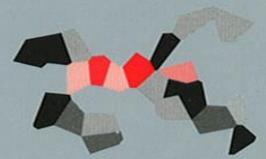
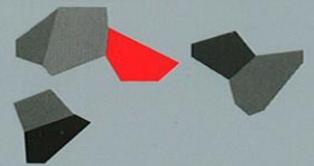
The Poyser Family (No 1043)

Matter 2: Housing:

Main Issue 2(ii)

April 2016

DPDS Ref - C9842



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Clients: Mrs Mackay and Mrs Bick

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1.0. Introduction

- 1.1 This hearing statement is prepared by DPDS Consulting Group on behalf of our clients – Mrs Ann Mackay and Mrs Flora Bick. For the purposes of the Examination they are referred to as the “Poyser Family” as this title is consistent with the previous promotion of the land that they own.
- 1.2 The Poyser Family have been invited to participate in the hearing session for Main Issue 2(ii) – Wednesday 27 April 2016, this session seeks to clarify:
- “Whether the Local Plan would assist in boosting significantly the supply of housing in terms of both a 5-year housing land supply and sufficient sites to achieve the plan requirement (Policy CP6)”**
- 1.3 DPDS has prepared a hearing statement for this hearing session and submitted it prior to the deadline set out by the Inspector. However, on 20 April 2016, some 5 working days prior to the examination session commencing, **“new information on actual completions 2015/16”** was released for consideration and added to the examination library under reference EX016.
- 1.4 Following clarifying correspondence with the Inspector via the Programme Officer, this supplementary statement has been prepared which provides an “Initial Critique of EX016” to assist the Inspector. Given the limited timescales it has not been possible to undertake a “line by line” analysis of what is a substantial update of the Council’s Housing Land Supply. However, analysis is ongoing and this statement is intended to assist the Inspector when “taking stock” of the situation presented by the Council.

2.0 Initial Critique of EX016

- 2.1 In respect of the Inspector’s published questions for Matter 2(ii), responses to those questions on behalf of the Poyser Family were set out in our hearing statement, we do not seek to repeat the points raised within that statement, however where commonalities exist between that statement and this “Initial Critique”, appropriate references are drawn.
- 2.2 EX016 has been provided by the Council and circulated by the Programme Officer by email. It is clear from the correspondence that this information has been provided to reflect “new information on actual completions 2015/16”. However, in our view, this is only a small part of the picture and in reality EX016 presents a significant revision to the information previously contained within the documents already within the examination library. Perhaps most importantly EX016 changes the evidence base with which participants have been able to engage, prepare assessments and comment upon as part of the hearing statements.
- 2.3 Below we set out a number of comments on EX016 which bring out key concerns relating to it, these are set out with a short summary commentary provided. Given the previously explained time constraints and that work is ongoing but not yet completed, this commentary should not be considered exhaustive.

“Re-basing” the five year housing land requirement to April 2017

- 2.4 EX016 sets out that the **“updated trajectory indicates that some 588 net completions are likely to happen in 2016/17”** and **“The five year period therefore rolls forward to commence on 1 April 2017 and run to 31 March 2022”** (DPDS emphasis).
- 2.5 The Council has provided no justification for including “likely” completions alongside actual completions in basing its five-year period at a point in the distant future benefiting from an assumed “uplift” in housing completions that has not been regularly achieved.

- 2.6 We understand and acknowledge the “quirk of timing” that meant (for the purposes of the submission plan and hearing statements) envisaged (rather than actual) completions were included for 2015/16. This was done on the Council’s own admission to enable this data to be provided to the Inspector. However, this quirk of timing does not then justify the Council going one step further and including a further projection from which to base its 5-year housing land supply calculation. There is no further “quirk of timing” that one could logically base this decision upon.
- 2.7 It is perhaps most concerning that the Council’s latest iteration of its Local Development Scheme (LDS version 6 – EX014) envisages that the plan will be adopted in September 2016 (page 5/6), i.e. half way through the monitoring period 2016/17 and not at a point that “actual completions” will be realised for that monitoring period. In reality, that information will not be known by the Council for a further 6 months at the absolute earliest.
- 2.8 Whilst housing land supply calculations are only a “snapshot in time”, it is important not to confuse “actual completions” which help generate the “requirement” side of the calculation, with “likely completions” or projections which form part of the “supply” side of the calculation.
- 2.9 It is therefore considered inappropriate that the housing land supply calculation should “commence” in 2017 and should in fact reflect the correctly based “requirement” side of the calculation which is March 2016. This provides a certain and logical start point for basing the calculation to be undertaken as it is recorded information and not contingent upon assumptions.
- 2.10 To assist matters we have undertaken a “re-based” calculation based upon the Council’s assumed components of supply at 31 March 2016. At this stage, this calculation is undertaken on an initial basis without challenging the components of supply. The results of this are quite telling and are shown below:

Table 1 - Derby City Council "Base" 5 Year Supply Calculation REVISED APRIL 2016 with APRIL 2016 BASE DATE			
<i>Calculating the Requirement</i>		No of Dwellings	<i>working</i>
a	Annual requirement	647	
b	Requirement plan period to point of adoption (2011-2016)	3,235	5 x a
c	Completions plan period to point of adoption	1,998	2011/12 - 2015/16
d	Shortfall / Surplus	1,237	b - c
e	Residual (gross requirement +/- shortfall/ surplus) next 5 years	4,472	a x 5 + shortfall
f	Residual including 20% Buffer for Under Delivery	5,366	e + 20% buffer
g	Annual requirement over next 5 years (from 1 April 2016)	1,073	f / 5 years
<i>Calculating the Supply</i>			
Supply Source		No of Dwellings	
	Deliverable Major Sites with Planning Permission	3,058	
	Deliverable Brownfield Sites without Planning Permission	561	
	Deliverable Greenfield Sites without Planning Permission	1,010	
	Deliverable Small Sites with Planning Permission	340	
	Windfall Sites in First Five Years	300	
	Losses In First Five Years	-140	
h	<i>Sub-Total</i>	5,129	
Calculation			
	No of years supply	4.78	h / g
	Shortfall / Surplus	-237.40	h-f

2.11 Clearly on this basis, if the five-year housing land calculation is correctly based, the Council will not be able to demonstrate an adequate supply of housing land at the point of adoption (envisaged by the LDS, version 6) with a shortfall of some 237 dwellings evident. This is of course notwithstanding the wider stated concerns relating to the Council's components of supply which have been stated by ourselves and other participants in our hearing statements. These concerns are supplemented below where they relate to the new information that has been circulated.

The inclusion of new sites within the five-year housing land supply

- 2.12 Appendix A to EX016 identifies some 63 sites which are envisaged by the Council to form its 5 year housing land supply (excluding small site permissions, windfalls and losses). Fifteen of these sites are newly added and have not been previously considered by us and the other participants. It is unclear whether this represents all of the sites which have been assessed by the Council for inclusion in the 5 year housing land supply and the evidence base. This is particularly the case with regard to “Small Site Permissions” where a full schedule of included and discounted sites has not been provided, although it is indicated that a sizeable portion of sites with permission are discounted we do not know what those sites are and why.
- 2.13 It is also unclear what constitutes all of the “Major Brownfield Sites”, “Major Sites” and “Major Greenfield and Mixed Sites” that have been included and discounted (as per above) together with evidence of historic completions on these sites dating back to 2011 as the Council has failed to provide them. In our view, this perhaps indicates why “lapse rates” have been raised as an issue for further clarification by the Inspector and others.
- 2.14 It is also concerning that new sites are included where the deliverability is questionable either through information that is known (i.e. in the public domain) or indeed where the information simply does not exist. We provide some examples of such circumstances below but do so stressing that they are examples, and reflect analysis that has been possible in the time available:
- 1) *Rear of 8-12 Agard Street* - In the new information provided by the Council, 50 dwellings are proposed to be delivered by this site in the year 2021/22 as a “Major Brownfield Site without Planning Permission”.

An application is currently pending consideration (11/15/01451) for “**Student accommodation block containing 28 cluster flats and associated works including demolition of existing buildings on site**”, however this development faces a number of important constraints to development.

The site sits within a Conservation Area and falls within the setting of a key Grade 1 listed building (Pickford’s House) and a number of Grade II* listed buildings. Given the significance of the heritage assets, Historic England is a consultee and there are unresolved objections from Historic England to the proposal. They state **”We advise the information submitted does not provide a robust assessment of the impact of this development on designated heritage assets in line with paragraphs 128 & 129 of the NPPF. Notwithstanding this and from our own assessment, we consider this proposal harmful to designated heritage assets and do not support this application”**.

Furthermore, the Council’s own specialist Conservation Area Advisory Committee (CAAC) object to the development and find that the development **”will inflict significant and substantial harm on the conservation area”** and **”will directly affect in a negative way the significance and setting of Pickford’s House Museum, a Grade-I listed building, and its garden, the function of which depends heavily on the authenticity of its environment, as well as directly affecting the setting of three other Grade-II* listed buildings (27, 42 and 99 Friar Gate) along with a large number of contiguous Grade-II listed buildings”**.

Investigations indicate that the Council are seeking to agree an extension of time with the applicant to address these objections but this is yet to be agreed. No further information has been submitted at the time of writing by the applicant and these objections remain unresolved.

It is also noteworthy that the site contains an active MOT test station which would require relocation for the development to proceed.

In applying the methodology adopted from the *Wainhomes* judgment, this site cannot be considered to be “available now” and faces significant unresolved objection. Due to the above issues, it is considered that the site should not be included within the 5 year housing trajectory.

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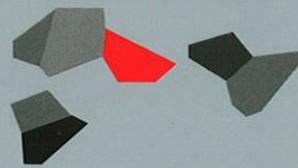
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- 2) *Perth Street* - In the new information provided by the Council, 11 dwellings are proposed to be delivered by this site in the year 2021/22 as a “Major Brownfield Site without Planning Permission”.

Discussions following the outcome of EX016 with officers from Derby City Council has revealed that this site is Council owned and was occupied by a department who have since moved to the City Council offices within the Council House. It is understood that policy officers have been informed by internal colleagues that this site is available for housing.

However, we do not know the precise location of this site, it has not been considered in the SHLAA, no planning application has been submitted and as such we are not satisfied that clear evidence exists that this site is deliverable in the context of paragraph 47 of the NPPF and the *Wainhomes* judgment. It is considered that this site cannot be included within the 5-year housing trajectory.

- 2.15 The Poyser Family submit that these examples are indicative of a number of similar circumstances on sites contained elsewhere in Appendix A to EX016. Without further detailed information on these sites it is impossible to comment upon their deliverability. We will endeavour to provide the Inspector with further examples at the hearing session as work is ongoing.
- 2.16 In conclusion, these points along with the matters raised within our submitted hearing statement point to serious doubts over the approach of the Council in preparing and demonstrating a robust five- year housing land supply at the point of adoption of the plan.



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