

North Hertfordshire DC Local Plan 2011-2031

Statement of Common Ground concerning housing need and supply within Luton Borough and the Luton Housing Market Area (“HMA”)

As agreed between Carolyn Cottier, David Dorman and Roy Parker (“we”) collectively opposing the need for North Hertfordshire District Council (“NHDC”) to release valuable Green Belt land in order to build the sites East of Luton (“EOL”) under SP19 towards Luton’s unmet needs.

1. The adopted Luton Borough Council (“LBC”) local Plan 2011-2031 was adopted in November 2017. It identified an Objectively Assessed Housing Need (“OAHN”) for Luton of 17,800 homes. Of these, 8,500 homes were to be met through the estimated housing build capacity within LBC’s own boundary. LBC therefore estimated its unmet need for the whole 20 year period as 9,300 homes.
2. In LBC’s Inspector’s final Main Modifications he required LBC to carry out an early full review of its Local Plan. LBC included this requirement in Policy LLP40 a copy of which is, for convenience, attached as **Appendix “A”**. LBC was committed to commence this review before the end of 2019 and have it ready for public examination by mid-2021. The requirements included a Joint Growth Options study with neighbouring areas, an updated OAHN and the updated capacity to accommodate housing within Luton. We haven’t any knowledge of this review even being started. **We do not believe that this significant commitment can be informally over-ridden and we’re sure the LBC Inspector would agree.**
3. This commitment to an early review is known to NHDC, LBC, Bloor Homes and Crown Estates and is a significant element of LBC’s adopted Local Plan and was specifically required by their Inspector to make the plan sound. However it appears to have been ignored by the previously mentioned organisations who have between them repeatedly claimed that NHDC’s Inspector must use the figures in LBC’s adopted Local Plan, even though they can clearly be seen to be significantly out-of-date (see paras. 5- 10 below).

4. We wish to register our concern that certain relevant and key documents do not appear in NHDC's examination library or documents, namely:
 - (a) LBC's adopted Local Plan 2011-2031
 - (b) The Appendices to ED4. ED4 is the LBC's Inspector's final report dated 1 August 2017. The Appendices list the Main Modifications ("MM") he required to the submitted Local Plan, which were then incorporated into LBC's adopted plan. These documents are readily available on the internet but we regard it as a failing of NHDC for them not to have been included.
5. The latest indication that we have on an up-to-date figure for LBC's OAHN is from the Opinion Research Services ("ORS") study of July 2020 which suggests the most robust figure would now be 16,700.
6. The 2019 Strategic Housing Land Availability Assessment ("SHLAA") was produced for LBC in November 2019 using as its base 1 April 2019. The forecast on completions plus the projection on identified sites amounted to 10,903 dwellings.
7. We initially examined LBC's development control committee minutes for the year ended 31 December 2020 plus the agenda for their meeting on 6 January 2021. We established 32 sites being granted permission for 2,730 dwellings that had not been included in the SHLAA (see **Appendix "B"** for summary and **Appendix "C"** for site details). In addition we then examined the committee minutes for the period 1 April to 31 December 2019 being the period immediately after the base date for the SHLAA. We identified a further 15 sites granted permission for 644 dwellings not included in the SHLAA (see **Appendix "D"** for site details). We also looked at committee minutes for the 6 months ended 31 March 2019 and identified another 12 sites granted permission for another 175 dwellings not in the SHLAA (see **Appendix "E"** for site details). Three of these were sites that were in the SHLAA but had grants for an additional 53 dwellings than previously expected. Two others were small sites with just 3 dwellings between them. In total therefore in nearly two years after the base date of the SHLAA we had identified sites granted permission for 3,549 more dwellings than in the SHLAA (see **Appendix "B" page 2** for analysis of housing mix). Our schedules have been prepared diligently but without the detailed knowledge of LBC's development control staff. We have worked in every case from their minutes and agendas of their planning meetings.

8. Historically in LBC, since 2003 when housing mix analysis began, some 80% of dwellings were 1&2-bed and 20% 3+-bed (see **Appendix “B” page 2**). These additional 3,549 dwellings follow that same pattern. Whilst LBC’s 2015 Strategic Housing Market Assessment (“SHMA”) identified a need for many more 3+- bed dwellings, to achieve this LBC needs to change its policy. There is some movement in this direction more recently. There are examples in the development control minutes that LBC housing considers 2-bed accommodation can, in certain circumstances, be acceptable family accommodation. The movement that has become statistically noticeable is the movement between 1 and 2-bed dwellings. Between 2003 and 2019 the mix has been some 50% of dwellings were 1-bed, 30% were 2-bed and 20% were 3+ bed dwellings. In 2020 this moved to 43% 1-bed, 37% 2-bed and 20% still 3+ bed homes. In comparison Central Bedfordshire Council (“CBC”)’s housing mix is more family orientated. For instance we are informed that for Houghton Regis North site 2 the housing mix is 30% 1 & 2-bed and 70% 3, 4 & 5 –bed properties.

9. LBC’s adopted Local Plan identifies in Housing section 6 Tables 6.1, 6.2 and 6.3 that of its 17,800 OAN there is a need for 13,500 dwellings of 3+ bedroom dwellings (76%) over the period 2011-2031. Despite this need we show LBC’s historic record in our attached Appendix “B” where only 20% of completions from 2003 to 2019 were 3+-bed. Then moreover this same percentage has continued in the extra grants that we identified up to 6 January 2021.

LBC cannot shift the whole of this burden to its neighbours. At best, in the period 2011-2031, CBC will be able to identify a number of properties to meet LBC’s unmet housing need with a good contribution to 3+-bed.

Once again the above information shows that LBC needs to change its policy and this also points to the paramount need for the early review of the LBC Local Plan by mid-2021

10. LBC’s capacity for building totals 14,452 when adding these additional grants to the SHLAA figures (10,903 + 3,549). However the SHLAA focuses on sites able to deliver at least 5 dwellings. Continuing to add just 30 dwellings per year for small windfall sites in the remaining 10 years adds 300 to the figures. Therefore it is reasonable to assume LBC housing capacity of 14,750 for 2011-2031. Any fall away from the identified sites are likely to be more than offset by new sites coming on stream including office to residential conversions and restoration of empty properties.

11. An update on unmet need would then be:

OAN	16,700
Less: LBC capacity	-14,750
Unmet need	1,950

It should also be remembered that you do not need a buffer on the completed element of housing, which becomes relevant when you are already half way through the plan period. The above update based on best information currently available does not meet the criteria of LLP40. The early full review of LBC's adopted plan should be thoroughly carried out by LBC and put forward to a public examination.

12. We point out a provision of the NPPF in section 13 regarding Protecting Green Belt land. We all know provision 134 (a) to check the unrestricted sprawl of large built-up areas but we also refer to 136 which starts "*Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through preparation or updating of plans*". Where is the evidence that NHDC, LBC, Bloor Homes and Crown Estates have had regard to current information, as set out above, requiring the updating of LBC's plans? LBC's latest view of their OAHN was reduced by 1,200 and considered by ORS to be immaterial. LBC's updated 2019 SHLAA, based on a date of 1st April 2019, identified 2,400 more dwellings than was in the adopted plan (10,903 – 8,500). Now we have identified some 3,500 more dwellings than were identified in the SHLAA. There can be no doubt that NHDC, LBC, Bloor Homes and Crown Estates know the adopted figures are out-of-date and show an excessive amount of unmet need for LBC. **We believe it is relevant for NHDC's Inspector to know why LBC has not complied with carrying out the early review required by policy LLP40.**

13. It is of significant concern that LBC have full knowledge of the above facts but have not notified either NHDC or CBC that they should be aware that their requirements to contribute towards LBC's unmet needs may be reduced. CBC is still expecting to supply 7,350 dwellings towards LBC's unmet needs.

14. It was noted that neither CBC nor Aylesbury Vale DC ("AVDC") were parties to the latest SOCG from NHDC, LBC, Bloor Homes and Crown Estates.

15. If the unmet need is for the whole of the plan period then CBC, as the area deemed by LBC's Inspector as the "best fit", is able to cover this amount with sites near to Luton either already built or currently in progress.
16. CBC has sites already in progress allocated for meeting any unmet need of Luton, such as North Houghton Regis for 7,000 homes and North Luton for 3,100 homes, both with a good mix of housing and affordable housing. There is also the Redrow development in Caddington West, close to Luton, for 314 homes most of which are occupied and the remainder in construction.
17. We consider it appropriate to look closer at Bloor Homes/White Peak Planning's submission for the hearing of Matter 21. It commences with White Peak Planning's disclaimer statement ***"This report takes into account particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party. Any such party relies on this report at their own risk"***.

The issues we have with this report include:

(i) In response to the NHDC Inspector's questions the report states in 2.4.2 *"There has been no meaningful change in the housing situation in Luton"*. We refer you to the notes in Paras. 5-10 above and also to (iii) below. You will see that White Peak's review identified a further 2,308 sites, being an increase of 27% on 8,500 in just 17 months.

(ii) The report ignores the commitment of LBC to a full review of the plan commencing before the end of 2019 and being ready for public examination by mid-2021. At the date of the report, September 2020, there is no mention of how this review was progressing.

(iii) White Peak Planning's report in 2.5.32 states that they have carried out a review of sites not included in the 2019 SHLAA for the period from 1st April 2019 to August 2020 that have either been granted planning permission by LBC or have a resolution to grant. They identified 42 sites totaling 2,308 dwellings. The SHLAA used as its base period 31 March 2019 so these sites were additional to those recorded in the SHLAA, which total 6,578. Therefore, together with the completed dwellings at 31 March 2019 of 4,325 and the 6,578 and 2,308, the total of identified White Peak Planning sites established up to August 2020 amount to 13,211. To this has to be added the 4 months figures to 31 December 2020. **This, without the 4 months figures, is already 55% higher than the 8,500 in the Plan**

and yet White Peak Planning, acting on the instructions and requirements of their client, Bloor Homes, state in their September 2020 report that there has been no meaningful change in the housing situation in Luton. Incidentally our own investigations have identified 14,750 (see para.9).

(iv) We noted that White Peak Planning had, during their September 2020 review of the planning applications, made a case about the Burr Street site for 179 residential dwellings being refused. They did not record the re-submission on this site on 29th July for 169 dwellings with 20 less 1-beds and 10 more 2-beds and exactly the same 25 dwellings of 3+-beds. This application was granted planning permission on 4 November 2020.

(v) The additional 4,711 sites in (iii) above (13,211 – 8,500) known to White Peak Planning shows that the statement that *“there is limited developable land available for new homes within Luton’s administrative area”* (para. 2.5.4 of their report referenced by Bloor for Matter 21) is unjustifiable.

(vi) We have requested details of the 2,308 dwellings identified by White Peak Planning from 1st April 2019 to August 2020 because in July 2020 alone we identified 2,067. We need to compare our findings because although we have worked diligently, as recorded in 7 above, either party could have made errors in interpretation as indicated in (iv) above.

18. We note that there has been reference to CBC having to:

- (a) meet a particular target of building in the HMA in addition to their contribution to LBC’s unmet needs, and
- (b) having to increase their policy on affordable homes to meet LBC’s shortfall in that area

We can advise that these two points were robustly rejected by CBC in their hearing sessions on 16 & 17 December 2020.

19. In conclusion we submit that there is no need to release valuable Green Belt land in EOL to contribute towards Luton’s anticipated unmet need up to 2031 and that SP19 should be eliminated.

20. However if the Inspector considers it necessary, in order to make the Local Plan sound, to re-introduce his suggestion in 25(d) of his letter of 9th July 2019 as a MM we request that he considers the following amendments highlighted in red:

The Council will put forward a main modification deleting the East of Luton sites from the Local Plan. If this path is pursued, it is highly likely that, in order to be sound, the Local Plan should include a commitment to further joint working with other authorities in the Luton HMA to (1) reassess the level of Luton’s unmet needs for the period 2011 – 2031 and (2) identify the most appropriate sites for meeting Luton’s reassessed unmet housing need and to bring forward a development plan document allocating the most suitable sites in neighbouring authorities identified during this analysis. Just as with the Local Plan such reassessed requirements for Luton’s unmet housing needs should be subject to public consultation and, if disputed, be referred to the Secretary of State for independent review and decision.

Signatories:

Carolyn Cottier (ID 3072) -----

David Dorman (ID 5138) -----

Roy Parker (ID 5059) -----

22 January 2021