



## **Gladman Developments Ltd**

### **Warwick District Local Plan EiP Hearing Statement**

#### **Matter 3 – The supply and delivery of housing land**

**Q1 What is the up to date situation regarding completions to date in the plan period and what is the residual amount of housing that needs to be delivered?**

Gladman would note that as of the time of submission of these hearing statements the Council has not formally published a 5 year housing land supply paper which considers the position upon adoption of the plan. The most recent trajectory data for housing dates back to May 2014<sup>1</sup> and is therefore approaching 12 months old, the most recent data on housing land supply is taken from a November 2014 5 year land supply update<sup>2</sup>, but does not consider the position upon plan adoption and we note it has not been submitted to the EiP. Identifying the most up to date position is therefore difficult. Gladman understand from discussions with the Warwick District Council that an updated 5 year land supply position, including a position on shortfall, will be submitted as part of their Matter statements to the EiP. The calculation below therefore is based upon the information we currently have publically available. Gladman would reserve the right to comment further having reviewed the evidence currently being prepared by the Council. These comments also reflect the Gladman position with regard to questions 2, 3 and 4 on Matter 3. The information for all of these is at best difficult to find and out dated.

We would furthermore note that the calculations required in Matter 3 are highly dependent on the discussions taking place as part of Matters 1 & 2. We would contend that detailed discussions on Matter 3 should not take place until the very significant issues raised by a number of parties with relation to Matters 1 & 2 have been settled to the Inspectors satisfaction. To do so could potentially waste inquiry time. Given as noted above that the Council has yet to prepare this data and will only do so as part of its Matter 3 statements Gladman would request that any discussions on Matter 3 are postponed until both Matters 1 & 2 have been progressed

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<sup>1</sup> HO06 &HO07

<sup>2</sup>[http://www.warwickdc.gov.uk/downloads/file/2133/an\\_update\\_of\\_the\\_five\\_year\\_housing\\_land\\_supply\\_situation\\_from\\_1st\\_april\\_2014\\_to\\_11th\\_november\\_2014](http://www.warwickdc.gov.uk/downloads/file/2133/an_update_of_the_five_year_housing_land_supply_situation_from_1st_april_2014_to_11th_november_2014)

sufficiently to allow meaningful discussion and that the Council has provided an up to date position on its current monitoring and land supply to allow for full discussion on the merits of its five year housing land supply upon plan adoption.

With the points above in mind in terms of actual completions Gladman would contend that for the period 2011/12-2013/14, covering the monitoring years to which we have complete monitoring data, a figure of 689 net completions would appear to be the accurate figure<sup>3</sup>. How this translates into a residual housing land requirement is dependent upon considerations in Matter 1. The Local Plan figure of 714 per annum would lead to a residual requirement for the plan period of 12,163. However Gladman would contend that the OAN prepared by Barton Willmore, submitted as part of their Matter 2 statement, and which considers a figure of 1,036 to be the robust housing requirement and is the figure which should be used in determining the housing target for the Local Plan. Using this the residual requirement for the plan would be 17,959.

**Q2 What is the potential total supply of new housing? What is the basis for this figure and is it justified? How much of this would be consistent with policies in the Local Plan? How much would be developable within the plan period? How does total potential supply compare with the planned level of provision?**

See response in relation to question 1. Gladman reserve the right to make further representations upon receipt of the Councils up to date position on this issue.

The Housing Trajectory document (HO06 & HO07) contains a total of 12,964 units of potential supply. Even given the Councils constrained OAN figure this leaves little spare capacity. In light of the Barton Willmore derived OAN this level of supply is wholly inadequate to meet the needs of the housing market area over the plan period.

**Q3 What is the estimated total supply in the plan period from (a) existing planning permissions (b) other commitments e.g. sites subject to S106 (c) allocated sites (d) other sites specifically identified e.g. SHLAA (e) windfalls**

This information is again contained within document HO7, this document is lacking in clarity and detail and such as stated in our response in relation to question 1 Gladman reserve the right to make further representations upon receipt of the Councils up to date position on this issue.

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<sup>3</sup> Warwick District Council Five Year Supply of Housing Land 2014-2019 November 2014 Table 1

**Q4 What are the assumptions about the scale and timing of supply and rates of delivery from these various sources? Are these realistic? Has there been any discounting of sites with planning permission for example?**

See response in relation to question 1. The current submitted data is already significantly out of data (over 12 months) as such Gladman reserve the right to make further representations upon receipt of the Councils up to date position on this issue.

**Q5 Specifically, is the figure for windfalls realistic and justified?**

The Council contend in their April 2014 report estimating a windfall allowance<sup>4</sup> that there is sufficient justification to allow for 2,575 completions from windfalls within the plan period, in the Publication Local Plan Policy DS7 this figure is listed as 2,485. We would seek clarification to this discrepancy. Using either figure Gladman do not believe that this allowance is realistic or justified for the following reasons. Firstly the averages considered in the table on page 4 of the document and referred to in table 4.2 are somewhat misleading. The Warwick District Local Plan (1996-2011) is the plan which will be replaced by the currently proposed plan, should it be found sound. By the period 2004-5 this plan was already 9 years old, given that we are told in the May 2014 SHLAA Main Report<sup>5</sup> that Warwick has a strong housing market the reason for the high windfall deliver rate from 2004/5-2008/9 can only be that the Council failed to have an up to date plan in place which allocated sufficient sites to meet the housing needs of the area and which was inherently based on a constrained housing figure. It cannot therefore follow that a sufficient justification for reliance on windfalls is a failure to adequately allocate sites and meet housing need in a previous plan.

What also must be true in relation to windfalls, given the take-up of windfalls quoted by the Council, is that they must be subject to diminishing returns. It cannot follow that large quantities of windfalls can be maintained over a near 20 year plan period. Whilst Gladman would acknowledge that windfall sites, which cannot be identified now will come forward, they will by their nature be towards the later parts of the plan period and in ever decreasing numbers. It is unreasonable to surmise that they will come forward in their hundreds over the entire plan period, for one this could lead to a significant negative impact on employment land, potentially in conflict with EC1 and EC3 of the Publication Local Plan. At some point the capacity of windfall sites must reduce as the supply of land for them to come forward on equally tapers off. The windfalls document at paragraph 4.8 states that "*in the years 2003-2006 a number of large and medium employment sites were vacated and redeveloped for flats*". There cannot be an infinite supply of such sites, which is acknowledged in para 5.6

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<sup>4</sup> HO05 Estimating a Windfall Allowance: Publication Stage April 2014 – Para 9.1

<sup>5</sup> HO12 SHLAA Part 1 Main Report May 2014 – Para 3.4

*"There has been a noticeable absence of new, large (single user) employment sites coming forward in the last years"*

The Council therefore relies on former public sector sites, medium commercial sites and former public houses in order to defend the windfall position. However the SHLAA states that *"a limited number of public sector sites were identified reflecting the fact that there are no major Government bodies with landholdings in the District"*. The two statements do not correlate, furthermore the current allocations contained within policy DS11 cover 5 sites within the public sector. The contribution of public sector land, by the Councils own acknowledgement in the SHLAA, must therefore be considered to be limited with regard to its availability for windfall development. The other uses reference by their nature will be small and likely in limited quantity and subject to the diminishing returns discussed above. Gladman do not therefore consider there is sufficient evidence to justify the windfall development in terms of sources of land to meet the figure proposed.

Furthermore the Council underpin their assumptions about the densities of windfall developments, as well as to some extent the quantum of them, on uses which are not considered as part of their OAN calculation and to which therefore caution must be used in basing a windfall rate upon. It is our understanding that the delivery of student accommodation is not considered in arriving at the OAN for Warwick, Gladman therefore do not believe it is sound to base, even partially, a windfall calculation upon the delivery of such uses which are often developed at high densities.

Whilst we therefore do believe that some justification for windfall developments can be made, we consider at present the figure is over exaggerated and will lead to an overly optimistic reliance on windfall development rather than a properly planned approach to the development of the District.

**Q6 What are the potential sources of windfalls? Given that the Local Plan and SHLAA have provided the opportunity to identify specific sites, are windfalls likely to come forward on the scale envisaged? What would be the implications if they didn't?**

See above answer to Question 5.

**Q7 How has the flexibility been provided in terms of the supply of housing? Are there other potential sources of supply?**

Gladman believe that the plan is currently not providing the levels of flexibility to meet its needs and as such is ineffective. The plan is heavily reliant on windfalls, as discussed above, as well as on three large SUEs. These three sites will total some 3,395 dwellings and represent over 50% of proposed allocations. Whilst Gladman recognise and are supportive of the general principles surrounding SUEs a common problem at EiP is the vastly exaggerated development rate and build out rate which is associated with such sites in order to prop up a five year land supply position. The Councils trajectory document in this regard is at odds with the submitted SHLAA dated May 2014<sup>6</sup> and policy DS11 of the Publication Draft Local Plan. The site capacities across the documents are for one inconsistent, for example DS11 considers Land West of Europa Way to be able to accommodate 1,112 units. In the Housing Trajectory<sup>7</sup> this figure is 1,190. This adds further weight to the need for the Council to prepare a full and comprehensive delivery schedule and trajectory which details how the plan will provide for a five year housing land supply upon adoption.

Gladman believe that the reliance on SUEs and the currently provided supply of housing land will at best not give the Council the ability to demonstrate a five year housing land supply upon adoption and at worst will not allow the plan to meet its full OAN over its lifetime. This is especially true in relation to the fact that the plan is aiming to meet a highly constrained OAN of just 714 units per annum and not what Gladman consider to be the actual OAN figure of 1,036. In order to address these issues Gladman believe there is a pressing need to identify further sites now as part of the Local Plan in order to allow for a range of sites to meet the needs of the plan. The plan, as currently submitted, will not boost now the supply of deliverable housing land, nor does it contain enough sites to enable sufficient flexibility in the delivery of housing to give confidence that the determined OAN figure for the district can be realistically met over the plan period. Gladman would contend that the Council needs to identify a range of additional sites to meet needs. This can be done by considering a range of alternatives within the SHLAA and taking a proactive view towards development. Radford Semele for example could be a location for further growth than currently planned. It was previously allocated for additional growth than now proposed within the current version of the plan and is not washed over by Green Belt or other landscape designations. A comprehensive reassessment of SHLAA sites, development need and a further consideration of headroom in the supply is therefore required.

**Q8 Has there been a 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**

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<sup>6</sup> HO12

<sup>7</sup> HO07

**to para 47 of the NPPF? How should the level of completions since 2011 be taken into account? What would the requirement be for a five year supply including the buffer?**

Gladman would maintain that there has been a persistent under delivery of housing and that a 20% buffer should be applied. The Councils Annual Monitoring Reports confirm that a shortfall in housing has been recorded in every year since at least 2009/10<sup>8</sup>. This is five complete monitoring years, which was deemed sufficient by the High Court<sup>9</sup> to support the requirement for a 20% buffer on the grounds of persistent under delivery. Furthermore the data confirms that undersupply has occurred in each of the years of the emerging plan period. What must be considered however is that the RSS figure used for the housing targets, before the base date of the plan now subject to EiP, were in themselves constrained. The RSS for the WM was predicated on Urban Renaissance and targeted the regeneration of the major west midlands conurbations, growth and development was therefore constrained in areas like Warwick. The RSS housing target for the authority was therefore artificially low. Indeed the RSS West Midlands Phase 2 Panel Report which passed through examination, but was not formally adopted, considered that the housing target from 2006-2026 should have been 550 units per annum for Warwick. Whilst this report is itself now dated it was subject to EiP and it is indicative to the constrained housing figure which was used during this period and would actually potentially identify further years and levels of undersupply.

The plan has therefore persistently under delivered and a 20% buffer is appropriate. Gladman also believe that the buffer should be applied to both the shortfall and the requirement as per the guidance on the PINS view of applying the buffer given at the Herefordshire EiP in February 2015. What the five year requirement would look like will be wholly dependent on discussions relating to Matter 2, Gladman therefore present calculations based on the Councils constrained 714 figure and the Barton Willmore figure of 1,036 which is considered to represent the OAN for the HMA.

	Council Figure (714)	Barton Willmore Figure (1,036)
5 Year Requirement	3,570	5,180
Shortfall to 2013/14*	1,453	2,419
20% Buffer	1,005	1,520
<b>Total</b>	<b>6,208</b>	<b>9,119</b>

\*note shortfall figure may vary depending on additional completion data.

<sup>8</sup> [http://www.warwickdc.gov.uk/info/20409/local\\_development\\_framework/264/annual\\_monitoring\\_report](http://www.warwickdc.gov.uk/info/20409/local_development_framework/264/annual_monitoring_report)

<sup>9</sup> *Cotswold DC v SSCLG* [2013] EWHC 3719 (Admin), Lewis J

**Q9 Would the Local Plan realistically provide for a five year supply on adoption? Will a five year supply be maintained?**

As discussed in relation to questions 1, 2, 3 & 4 given the information available and the need to resolve issues in relation to Matters 1 & 2 this is dependent on a range of factors. Gladman would submit that even using the Council own derived OAN the likelihood of the plan delivering a robust 5 year land supply is highly questionable. Given the accumulated backlog and the reliance on SUEs and windfalls to deliver the supply it could be that as much as 50% of the planned housing is required to be delivered in the first 5 years of the plan period even using the Councils own constrained figure. It is clearly questionable that this could happen. Nevertheless Gladman believe it appropriate to review the Councils five year land supply position upon plan adoption before providing a definitive response. Discussions on Matters 1 & 2 will also allow for this question to be answered substantively.

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

The plan will in reality, as set out, fail to deliver the full OAN for the district and housing market area. Gladman have concerns that not only will the plan fail to meet the need for housing in the first five years of the plan period, but that in planning for the constrained figure of 714 units per annum it will fail to address all of the need arising in the District and wider HMA. Gladman believe this figure to be 1,036 as put forward by Barton Willmore in their Matters 1 & 2 statements.

Furthermore the Council acknowledges the pressures on Warwick from the wider HMA, specifically from Coventry which cannot fully meet its own housing needs. The current plan is not planning to meet these needs and is reliant on policy DS20 to address the issue. There is an urgent need to address these needs now. The plan therefore in its current form will not deliver the required number of dwellings to meet the housing needs of Warwick and the wider HMA. The issue of the housing needs of Birmingham must also be resolved. It is likely that Birmingham will have unmet need, which similar to Coventry, will need to be met in the wider region. It is entirely reasonable to surmise that Warwick may be one such location for meeting this need.