



Main Matter 5: A Prosperous District – Homes – Policy LPP 17

Braintree Local Plan – Section 2 Examination

for Williams Group

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Contents:

1. Introduction	1
2. Main Matter 5: A Prosperous District – Homes – Policy LPP 17	2
Appendix EP1 – Five Year Housing Land Supply	10

1. Introduction

- 1.1 This hearing statement is submitted on behalf of the Williams Group in relation to Main Matter 5: A Prosperous District – Homes. The hearing session for this matter is scheduled to take place on Wednesday 7th July 2021.
- 1.2 As the Inspectors will be aware, our original representations to the publication draft section 2 plan are dated 28th July 2017 and are therefore almost 4 years old. In summary, in relation to policy LPP 17: Housing Provision and Delivery our representations stated:
- Little more than one third of the strategic growth of the plan area is focused on the main settlement. Braintree town clearly has significant potential to grow beyond the scale identified.
 - The spatial strategy is imbalanced, with too much reliance placed on two new garden communities which are likely to take longer to deliver than set out.
 - The potential for a further strategic growth location to be brought forward in the south-east quadrant of Braintree should be included in LPP17.
- 1.3 Since then, the Council has removed the two garden communities in Braintree from the plan and therefore its housing land supply position has significantly changed. However, the Council has not amended its housing strategy. This hearing statement should be read within this context.

2. Main Matter 5: A Prosperous District – Homes – Policy LPP 17

Does BLP Section 2 and in particular Policy LPP 17 Housing Provision and Delivery demonstrate an adequate supply to meet Braintree’s housing requirement as set out in BLP Section 1 (14,320 new homes) and its timescale for delivery within the plan period 2013 - 2033?

2.1 No – for the reasons set out below.

Flexibility

2.2 Paragraph 6.60 of the submitted plan states:

“The Local Plan has allocated an additional potential supply of at least 10% of homes over and above the Local Plan target. This is to guard against future fluctuations in the figure for objectively assessed need and to ensure that there is sufficient flexibility in the Local Plan so that if a number of sites deliver slower than anticipated for example, the objectively assessed need and the five year housing supply requirement can be met.”

2.3 The trajectory in the submitted plan (SDBDC001) identifies a supply of 15,366 dwellings over the period 2017 – 2033. However, this includes 3,650 dwellings from West of Braintree Garden Community and New Colchester Braintree Borders Garden Community, both of which were removed from the Section 1 Plan.

2.4 The Housing Topic Paper (April 2021) sets out a revised trajectory which identifies a supply of 15,772 dwellings over the plan period (2013 – 2033). The identified supply for the period 2017 – 2033 is 14,367 dwellings. Compared with the trajectory in the submitted plan, the supply has reduced by approximately 1,000 dwellings.

2.5 The 2012 National Planning Policy Framework (the Framework) explains that local plans should be prepared with sufficient flexibility to be able to adapt to rapid change. At the point of submission, the Council's position was that a supply of 15,366 dwellings over the period 2017 – 2033 was sufficiently flexible.

2.6 However, the Council's trajectory at April 2021 does not maintain this level of flexibility. As set out above, the supply over the period 2017 – 2033 has been reduced by 1,000 dwellings.

2.7 Therefore, there is a need for additional sites to be identified through the Local Plan in order to re-establish the flexibility that was proposed in the submitted plan.

Components of supply

2.8 The Housing Topic Paper (April 2021) sets out the projected supply as follows:

Source of supply	Number of dwellings
Completions 2013 – 2021 (net)	4,161
Sites under construction	2,232
Sites with full planning permission (not started)	1,474
Sites with outline planning permission	3,478
Sites with a Resolution to Grant	606
Allocated sites without planning permission	3,251
Windfall allowance 2023 – 2033	750
Lapse allowance 2021 – 2033	-180
Total projected supply 2013 – 2033	15,772

2.9 Of the remaining supply (i.e., excluding completions to date), 70% of the supply is made up of sites without full planning permission. 40% of these sites do not have planning permission at all. Therefore, a large proportion of the Council's housing supply is reliant on sites without planning permission. As such, whether the Council meets its housing needs is highly dependent on sites with no clear certainty of delivery. This further highlights the importance of identifying additional sites to ensure a flexible supply position.

2.10 This is particularly imperative given that the Council's supply over the plan period includes 29 large sites of over 100 units (equating to 9,436 units in the plan period) and, in the absence of a flexible position, if even a small number of these sites do not come forward as expected, the Council's ability to meet its housing need will be jeopardised as we now discuss.

Lead in times and build rates on large sites

2.11 As above, paragraph 6.60 of the submitted plan states that flexibility is required in case several sites deliver at a slower rate than anticipated.

2.12 The Housing Topic Paper (April 2021) demonstrates how some of these large sites are not delivering as was projected in the submitted plan. For example, the following sites have already slipped significantly since the submission of the plan.

Land east of Broad Road, Strategic Growth Location

	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	29/30	30/31	31/32	32/33
LP trajectory	40	100	150	150	150	150	150	110	0	0	0	0
TP trajectory	→	→	20	100	100	100	100	100	100	100	100	80

Land west of Panfield Lane

	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	29/30	30/31	31/32	32/33
LP trajectory	50	90	90	90	90	90	90	10	0	0	0	0	0
TP trajectory	→	→	→	→	25	75	75	40	105	105	105	105	85

Towerlands Park

	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	29/30	30/31	31/32	32/33
LP trajectory	50	100	100	100	100	100	50	0	0	0	0	0
TP trajectory	→	→	→	35	60	60	60	60	60	60	60	60

2.13 This Council's submitted trajectory was clearly over-optimistic about the time it would take for these large sites to come forward.

2.14 If there is any further slippage on the above sites, even by one year, delivery will extend beyond the plan period. We note that the Broad Road site is anticipated to begin delivery in 2022/23, however it only has outline planning permission to date. Likewise, Towerlands Park is anticipated to begin delivery in 2023/24, however it only has outline planning permission to date.

2.15 Evidence from research undertaken by Lichfields published in February 2020 (*Start to Finish - What factors affect the build-out rates of large scale housing sites?*) highlights the average timescales from validation of the first application on a site to completion of the first dwelling. This is set out in the following table:

Site capacity	Average time taken from validation to first completion
100 – 499	4 years
500 – 999	5 years
1,000 – 1,499	6.9 years
1,500 – 1,999	7 years
2,000 +	8.4 years

- 2.16 In respect of Braintree's supply, one site falls within the 1,500 – 1,999 category. Land to the east of Great Notley is projected to deliver 1,750 dwellings in the plan period, with first completions expected in 2023/24 (Housing Topic Paper, April 2021). However, the site does not have planning permission, nor has an application been made to date. Even if an application were made now, according to Lichfields' figures, the site would not start delivering until 28/29. This would result in a deduction of 895 dwellings from the plan period supply.
- 2.17 One site in the supply falls within the 1,000 – 1,499 category. Land to the east of Broad Road is projected to deliver 1,000 dwellings in the plan period, with first completions expected in 22/23 (Housing Topic Paper, April 2021). An outline planning application was validated in July 2018 and subsequently approved in March 2021. According to Lichfields' research, the site will not start delivering until 25/26. This would result in a deduction of 280 dwellings from the plan period supply.
- 2.18 Three sites fall within the 500 – 999 category. Land to the south of Feering/west of A12 is projected to deliver 755 dwellings in the plan period, with first completions expected in 23/24 (Housing Topic Paper, April 2021). The Council's trajectory states that the site promoter plans to submit an outline planning application in Q2 of 2022/23. Even if this accurate, according to Lichfields' research, the site would not begin delivery until 27/28. This would result in a deduction of 195 dwellings from the plan period supply.
- 2.19 The research undertaken by Lichfields also sets out the average build rates per annum for large sites, as follows:

Site capacity	Average build rates per annum
100 – 499	55 dpa
500 – 999	68 dpa
1,000 – 1,499	107 dpa
1,500 – 1,999	120 dpa
2,000 +	160 dpa

- 2.20 Land to the east of Great Notley has a total site capacity of 1,750 dwellings, of which it is projected to deliver in full in the plan period at a rate of 195 dpa. However, according to Lichfields' research, the average build rate on a site of this size is only 120 dpa. Applying this build rate and taking into account the adjusted lead-in time as outlined above (i.e., that first completions will not begin until 28/29), the site can only be expected to deliver 555 dwellings in the plan period. This would result in a total deduction of 1,195 dwellings from the plan period supply.
- 2.21 Land to the south of Feering/west of A12 has a total site capacity of 755 dwellings, of which it is projected to deliver in full in the plan period at a rate of 100 dpa. However, according to Lichfields' research, the average build rate on a site of this size is only 68 dpa. Applying this build rate and taking into account the adjusted lead-in time as outlined above (i.e., that first completions will not begin until Q2 of 27/28), the site can only be expected to deliver 391 dwellings in the plan period. This would result in a total deduction of 364 dwellings from the plan period supply.
- 2.22 Land to the west of Panfield Lane has a site capacity of 636 dwellings, of which it is projected to deliver in full in the plan period at a rate of 105 dpa. However, according to Lichfields' study, the average build rate on a site of this size is only 68dpa. Therefore, using the Council's projected lead-in time (i.e., first completions in 26/27), the site can only be expected to deliver 434 dwellings in the plan period. This would result in a total deduction of 202 dwellings from the plan period supply.
- 2.23 The above examples of the lead-in times and build rates adopted by the Council highlights the over-optimism in its approach to housing delivery. The evidence suggests that these sites will not deliver as projected by the Council, but instead delivery will extend significantly beyond the plan period. This casts doubt on the ability of the Council to meet its housing needs across the plan

period and further emphasises the need for a flexible supply position through the identification of additional sites.

Early review

- 2.24 As above, paragraph 6.60 of the submitted plan explains that flexibility is required to guard against future fluctuations in the figure for objectively assessed need.
- 2.25 Both the Section 1 and Section 2 Plans were submitted before 24th January 2019, and are therefore being examined under the 2012 Framework. There is no requirement for the local plan to meet the Local Housing Need. However, the Planning Practice Guidance states that most plans are likely to require updating at least every five years. However, paragraph 61-062¹ of the PPG states that:

*“There will be occasions where there are significant changes in circumstances which may mean it is necessary to review the relevant strategic policies earlier than the statutory minimum of 5 years, for example, where new cross-boundary matters arise. **Local housing need will be considered to have changed significantly where a plan has been adopted prior to the standard method being implemented, on the basis of a number that is significantly below the number generated using the standard method, or has been subject to a cap where the plan has been adopted using the standard method. This is to ensure that all housing need is planned for as quickly as reasonably possible.**” [our emphasis]*

- 2.26 The Local Housing Need for Braintree is 831 dpa. This is significantly higher than the requirement in the emerging Plan, which is 716 dpa. Therefore, as per paragraph 61-062 of the PPG, there is an expectation that an early review will be required in less than five years. Identifying more sites now will assist the Council in meeting the higher local housing need figure in preparation for an imminent plan review that will address actual needs.

Five-year housing land supply

- 2.27 As above, paragraph 6.60 of the submitted Local Plan refers to the five year housing land supply. The Section 2 Plan is being examined under the 2012 Framework and therefore the deliverability of sites is considered within a different context than that set out in the 2019 Framework, which is used for measuring the Council's five year housing land supply in practice.

¹ Paragraph: 062 Reference ID: 61-062-20190315

2.28 Until very recently, the Council accepted that it could not demonstrate a deliverable five year housing land supply under the 2019 Framework. However, the Council now claims that at 1st April 2021 it can demonstrate a deliverable supply of 5,713 dwellings. This is an oversupply of just 361 dwellings (6.7%) above the five year requirement and 5% buffer and equates to just 5.3 years. However, as we set out in appendix **EP1**, the Council relies on the inclusion of 1,604 dwellings on large sites without detailed planning permission. Under the 2019 Framework, the onus is on the Council to provide clear evidence for the inclusion of these sites. Should the evidence provided by the Council not amount to clear evidence – as was the finding of the Secretary of State in four appeals in Braintree in June / July 2019 – then these sites should be removed and the Council would be unable to demonstrate a deliverable five year housing land supply. Further sites are therefore required to ensure that the Council can demonstrate a deliverable five year housing land supply on adoption of the plan and in subsequent years.

Spatial strategy

2.29 The Publication Draft Plan's spatial strategy fails to give priority to concentrating growth in and around Braintree itself, commensurate with its role as the main settlement in the district. Indeed, the housing trajectory (April 2021) includes just 506 dwellings in Braintree Central & Beckers Green, Braintree South, and Braintree West. This equates to just 3.5% of the Council's housing supply across the plan period.

2.30 The potential for a further strategic growth location to be brought forward to the south-east of Braintree should be included in Policy LPP17. Whilst offering significant capacity in the longer term, this location has the advantage that early phases could be brought forward in the short term, capitalising on the existing infrastructure and accessibility to Braintree Town Centre such that, together with further retail and commercial development, it could assist in reinforcing the role of the town centre and not competing with it.

2.31 The Draft Local Plan represents a missed opportunity to include an intrinsically sustainable location for development, namely the south-east of the town of Braintree. This location is well positioned in relation to the district's main housing, services and jobs, as well as employment centres beyond. It is well connected by bus and road, which can be enhanced further – and by the potential of improving the rail link – as well as an upgraded A120, which now has a preferred route and framework set out towards delivery.

2.32 The omission of the Garden Villages through the major modifications to the Part 1 Plan has clear implications for the Spatial Strategy that was adopted and informed the parallel preparation of the Part 2 Plan now being examined. In light of this the spatial strategy should have been revisited to ensure the most sustainable options were considered and then pursued in light of this significant change. That is a point that is covered in more detail in our Matter 2 hearing statement. Given the length of time since the Part 2 Plan was submitted the point about review of the Spatial Strategy has been given more weight when viewed in the context of matters such as the grant of planning permission for housing on a site of our client's to the South East of Braintree beyond the A120 and the settlement limits in that area which were viewed as a clear boundary to development within the Part 2 Plan and reflected what must now be considered a flawed spatial strategy. The potential for delivery of the A120 within the plan period and the development opportunities in and around that corridor further emphasises the need to review and revisit the Spatial Strategy that remains within the Plan subject to this examination.

Appendix EP1 – Five Year Housing Land Supply

The five year housing requirement

2.33 Since the start of the plan period, the Council has significantly under-delivered against its housing requirement, as set out in the table below.

	Requirement	Completions	Shortfall	Cumulative
2013/14	716	182	-534	-534
2014/15	716	409	-307	-841
2015/16	716	523	-193	-1,034
2016/17	716	291	-425	-1,459
2017/18	716	492	-224	-1,683
2018/19	716	534	-182	-1,865
2019/20	716	883	167	-1,698
2020/21	716	847	131	-1,567
Total	5,728	4,161	-1,567	

2.34 Therefore, to date, there is a shortfall of 1,567 dwellings against the housing requirement. This reduces to 1,517 dwellings once communal accommodation is included.

2.35 Paragraph 68-031² of the PPG states that:

“The level of deficit or shortfall will need to be calculated from the base date of the adopted plan and should be added to the plan requirements for the next 5 year period (the Sedgfield approach), then the appropriate buffer should be applied.”

2.36 Therefore, the shortfall should be addressed in full in the five year period. This results in a five year requirement plus buffer of 5,352 dwellings at 1st April 2021 as shown in the following table:

	Requirement	
A	Annual housing requirement	716
B	Five year housing requirement (A X 5 years)	3,580
C	Shortfall since the beginning of the plan period	1,517
D	Shortfall to be addressed in the five year period	1,517
E	5% buffer (5% of B + D)	255
F	Five year supply to be demonstrated (B + D + E)	5,352
G	Annual requirement plus 5% buffer (F / 5 years)	1,070

² Paragraph: 031 Reference ID: 68-031-20190722

The five year housing land supply

- 2.37 The Council's latest position statement claims that it has a “deliverable” supply of 5,713 dwellings at 01 April 2021. The plan is being examined under the 2012 Framework and archived guidance. The definition of “deliverable” set out in the 2012 Framework and the previous guidance allowed all sites with planning permission (whether full or outline) and allocated sites without permission at all to be considered deliverable.
- 2.38 However, in practice, the Council's five year housing land supply is assessed against the 2019 Framework. The definition of “deliverable” is set out on page 66 of the 2019 Framework states:

“Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”

- 2.39 The PPG was most recently updated on 22nd July 2019. Paragraph 68-007 of the PPG³ provides some examples of the types of evidence, which could be provided to support the inclusion of sites with outline planning permission for major development and allocated sites without planning permission. It states:

“In order to demonstrate 5 years' worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions. Annex 2 of the National Planning Policy Framework defines a deliverable site. As well as sites which are considered to be deliverable in principle, this definition also sets out the sites which would require further evidence to be considered deliverable, namely those which:

³ Paragraph 007 Reference ID: 68-007-20190722: “What constitutes a ‘deliverable’ housing site in the context of plan-making and decision-taking?”

- *have outline planning permission for major development;*
- *are allocated in a development plan;*
- *have a grant of permission in principle; or*
- *are identified on a brownfield register.*

Such evidence, to demonstrate deliverability, may include:

- *current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;*
- *firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates;*
- *firm progress with site assessment work; or*
- *clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.*

Plan-makers can use the Housing and Economic Land Availability Assessment in demonstrating the deliverability of sites."

- 2.40 Whilst the previous definition in the 2012 Framework considered that all sites with planning permission should be considered deliverable, the revised definition in the 2019 Framework is clear that only sites with detailed consent for major development should be considered deliverable and those with outline planning permission should only be considered deliverable where there is clear evidence that housing completions will begin in five years.
- 2.41 As above, the PPG has been updated to provide some examples of the type of evidence which may be provided to be able to consider that sites with outline planning permission for major development, allocated sites and sites identified on a brownfield register are deliverable.
- 2.42 The change to the definition of deliverable is relevant to Braintree as only 66% of the Council's claimed supply set out in the housing land position statement falls under category a) of the definition of "deliverable" as shown in the following table:

Breakdown of Braintree's claimed supply by category

Description	Category a) Should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered in 5 years	Category b) Should only be considered deliverable where there is clear evidence that housing completions will begin on site within 5 years	Compelling evidence required	Total
(A) Sites under construction	2,214			2,214
(B) Sites with full planning permission	1,503			1,503
(C) Small sites with outline planning permission	56			56
(D) Large sites with outline planning permission		1,604		1,604
(E) Sites with resolution to grant			186	186
Windfall allowance			225	225
Total	3,773	1,604	410	5,787⁴
Percentage	65%	28%	7%	

2.43 For the category b) sites, the Council needs to provide "clear evidence" that housing completions will begin within the five year period. The proformas that the Council relies on to support the inclusion of category b) sites were found by the Secretary of State to not comprise clear evidence in a series of appeal decisions which were issued in 2019⁵.

⁴ The Council's supply figure is 5,713 dwellings because a lapse rate of 75 dwellings is applied.

⁵ 3197293 – 13th June 2019 – Land north and south of Flich Way, Pods Brook Road, Braintree, 3162004 – 8th July 2019 – Land off Stone Path Drive, Hatfield Peverel, 3180725 - 8th July 2019 – Land off Stone Path Drive, Hatfield Peverel and 3180729 – land east of Gleneagles Way, Hatfield Peverel

2.44 If the Council is unable to provide clear evidence for the inclusion of these sites, then they should be removed and the Council would be unable to demonstrate a deliverable five year housing land supply. Further sites are therefore required to ensure that the Council can demonstrate a deliverable five year housing land supply on adoption of the plan and in subsequent years.