

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

APPEAL BY LW DEVELOPMENTS LTD

**An Appeal Against the refusal of a planning application for:
Area 1 - New stadium with capacity for up to 2,000 spectators. 53 no. 1 bedroom apartments, 62 no. 2 bedroom apartments, 26 no. 3 bedroom houses and 22 no. 4 bedroom houses, (163 residential dwellings) highway access works, internal roads and supporting infrastructure.**

Area 2 - Northern block - New facilities for Cheshunt Football Club in use classes D1, D2 and sui generis - matters relating to internal layout and appearance reserved.

Area 3 - Western block - New sports, community, leisure and commercial uses in use classes A1, A3, A4, A5, B1, D1 and D2 - matters relating to internal layout reserved.

Land at Cheshunt Football Club, Theobold's Lane, Cheshunt, Herts, EN8 8RU

**PINS REFERENCE: APP/W1905/W/21/3271027
PLANNING APPLICATION REF: 07/18/0514/F**

ROLAND BOLTON REBUTTAL PROOF OF EVIDENCE:

HOUSING FIVE YEAR LAND SUPPLY

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July 2021

CONTENTS	PAGE
1.0 Experience	3
2.0 Scope of evidence and Key Conclusions	3
3.0 National Policy: Planning for Housing	5
a) Introduction.....	5
b) Little Sparrows, Sonning Common, Oxfordshire RG4 9NY Appeal Ref: APP/Q3115/W/20/3265861	5
4.0 The Local Plan.	7
5.0 The Housing Supply	7
a) Introduction.....	7
b) Mr Paine’s Evidence and Tables 1 and 2.....	7
c) Revised Tables of disputed supply.....	8
6.0 Conclusion	26

1.0 EXPERIENCE

1.1 My name is Roland George Bolton, and my experience and statement is contained in my main proof of evidence of June 2021.

2.0 SCOPE OF EVIDENCE AND KEY CONCLUSIONS

2.1 It is important to note that I am not seeking to identify and address all matters of difference between my evidence and the council, but I have just concentrated on those areas where I might save inquiry time.

2.2 The scope of this Rebuttal Proof of Evidence is as follows:

- a) National Policy Planning for Housing – Little Sparrows appeal
- b) The Local Plan – evidence of future delivery
- c) The Housing Supply – review of council's new evidence released on 25th June 2021
- d) Conclusion

2.3 I highlighted in paragraph 2.2 of my main proof that the council appeared to be relying upon new evidence sent via a link to Mr Waller on the 25th June 2021 at 17.02. This did not allow time for me to review this new evidence in my original proof so I will deal with this new evidence in this rebuttal. I noted that at that time the council suggested in the draft of the SoCG that the land supply was 5.01 years which is extremely marginal. I note that the council are now suggesting that they have a supply of 4.9 years (Paine PoE table 1 page 4).

2.4 My key conclusions are updated as follows:

- a) It is now common ground (Thompson PoE paragraph 12.2) that the Council have failed the Housing Delivery Test (HDT) at just 74% of the annual requirement and as such the most important policies for the determination of the application are out of date and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (NPPF paragraph 11 d and footnote 7).
- b) It is further common ground that the council can not demonstrate a five year land supply although there is a significant difference between parties as to the shortfall.
- c) I have undertaken a review of the evidence that the council have produced to support the inclusion of the Category B sites and windfall and conclude that the supply now is just **1.8 years** a deficiency of some 2,285 dwellings.
- d) These reductions are justified because:

- i) The council have no compelling evidence to support the **windfall** figure of 70 dpa. This would **remove 350 dwellings** from the supply.
- ii) The council have double counted the **windfall** and commitment from sites of under 25 dwellings at least in the first three years. This would **remove 210 dwellings** from the supply.
- iii) The council have included sites that were only draft allocations at the base date (1st April 2020) and as such these sites did not fall with the definition of deliverable and should be excluded from the supply. This would **remove 1,440 dwellings** from the supply.
- iv) I have further investigated the nature of the evidence that the council have set out in the Annual Monitoring Report 2018 – 2020 (CD3.15) with regard to all category B sites and the subsequent bundle of emails and I have concluded that there is not clear evidence of these sites delivering completions in the 5 years of the assessment. This **removes 2,352 dwellings** from the supply (this includes the 1,440 dwellings highlighted above).

2.5 The council seek to place little weight on what they consider to be a marginal shortfall in the HDT (Thompson Paragraph 10.1). They also seek to place limited weight on the minimal shortfall in the housing land supply (Thompson paragraph 10.2) on the basis the evidence demonstrates that this will be rectified in the next 1 – 2 years.

2.6 To describe the underperformance of 74% as a “marginal” shortfall in delivery by referring to the 75% trigger point is to misunderstand that the performance should be judged against the 100% requirement and measured as such the shortfall is substantial.

2.7 There is no evidence presented by the council that the 5 year land supply position will improve in the next 1 – 2 years.

2.8 Placing limited weight on the lack of a five year land supply would be at variance with the approach adopted in the appeals that I have highlighted in my main evidence.

3.0 NATIONAL POLICY: PLANNING FOR HOUSING

a) Introduction

3.1 Since the drafting of my evidence, I have received a decision notice on an appeal for which I gave evidence on five year land supply evidence in South Oxfordshire and this provides a further example of how inspectors are applying the test of clear evidence at the baseline of assessments and the weight given to land supply shortages even in the situation of a recently adopted local plan.

b) **Little Sparrows, Sonning Common, Oxfordshire RG4 9NY Appeal Ref: APP/Q3115/W/20/3265861**

3.2 This appeal was for a Continuing Care Retirement Community Care Village on the edge of Sonning Common in the Chilterns Area of Outstanding Natural Beauty (AONB) and was allowed on appeal on the 25th June 2021.

3.3 The South Oxfordshire Local Plan 2035 (SOLP) was adopted in 2020 (DL paragraph 10) the issue of five year land Supply is deal with in paragraphs 17 to 25.

3.4 In paragraph 20 the inspector Mr Harold Stephens states:

“20. I have also had regard to the PPG advice published on 22 July 2019 on ‘Housing supply and delivery’ including the section that provides guidance on ‘What constitutes a ‘deliverable’ housing site in the context of plan-making and decision-taking.’ The PPG is clear on what is required:

“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.”

This advice indicates to me the expectation that ‘clear evidence’ must be something cogent, as opposed to simply mere assertions. There must be strong evidence that a given site will in reality deliver housing in the timescale and in the numbers contended by the party concerned.”

3.5 Mr Stephens comments upon the appropriateness of emails or proforma’s from developers or agents and the veracity of their forecast completion rates as follows:

“21. Clear evidence requires more than just being informed by landowners, agents or developers that sites will come forward, rather, that a realistic assessment of the factors concerning the delivery has been considered. This means not only are there planning matters that need to be considered but also the technical, legal and commercial/financial aspects of delivery assessed. Securing an email or completed pro-forma from a developer

or agent does not in itself constitute 'clear evidence'. Developers are financially incentivised to reduce competition (supply) and this can be achieved by optimistically forecasting delivery of housing from their own site and consequentially remove the need for other sites to come forward."

3.6 In commenting upon the approach that I adopted in my evidence Mr Stephens concludes:

"23. Overall, I consider that the Appellant's assessment of supply set out in Table 2 of SoCG 5 is more realistic taking into account the test of deliverability set out in Appendix 2 to the NPPF and the PPG advice published on 22 July 2019. I am satisfied that the Appellant's approach is consistent with national policy, case law, appeal decisions and informed by current housebuilder sales rates, assessment of the technical complexities of delivering development sites and experience of the housebuilding industry including lead-in times."

3.7 In respect of the implications of the lack of five year land supply, despite a recently adopted plan, as follows:

"25.... The implications of not having a five-year housing land supply are significant. Not only is there a shortfall, but it also means most important policies for determining the application are automatically out-of-date. The Council accepts that means all the policies in the SOLP and the SCNP are out-of-date. It also means if the paragraph 172 tests in the NPPF are satisfied then the tilted balance applies."

3.8 The inspector considered the lack of five year housing land supply to have significant implications starting in the section on the Planning Balance (paragraph 130) that in terms of the impact on the valued landscape:

"130 In terms of paragraph 172 a) of the NPPF I am in no doubt that there is a need this development of 133 units to address the immediate shortfall in the five year housing land supply; to address the critical need for extra care housing in the District; to assist in the freeing up of family housing within South Oxfordshire and to provide the health and well-being benefits to elderly people."

3.9 I note that the approach of the inspector in seeking to address the "immediate shortfall" in the five year land supply is in contrast to the "limited weight" that the council witness (Thompson PoE paragraph 10.2) is placing on the lack of a five year land supply on the basis that it is "anticipated" to be rectified within the next 1 – 2 years.

4.0 THE LOCAL PLAN.

4.1 Mr Paine PoE paragraph 24 states that there is an “inevitability a lag in the pickup of delivery of sites” but that the direction of travel is that Broxbourne “is on course to meet its housing requirements” (Mr Paine paragraph 25).

4.2 It is noted that this point regarding the direction of travel is reiterated in paragraph 26 which states:

“26. Whilst the Council accepts that the housing supply evidence should be weighed in the planning balance alongside the matters addressed through Jenny Thompson’s evidence, that weight is tempered by the evidence presented above, and by evidence of the direction of travel towards a positive outcome in respect of both deliverability and housing supply.”

4.3 There is however no evidence provided to advance this point. Furthermore, my own evidence is that the council do not have a good track record of accurately forecasting start dates or completion rates (see table 1 of my evidence).

5.0 THE HOUSING SUPPLY

a) Introduction

5.1 In order to assist the inquiry, I have produced an updated table below that seeks to identify the changes to the published supply 1st April 2020 for both parties. The following tables also pick up the inconsistencies within Mr Paine’s PoE in terms of tables 1 and 2.

b) Mr Paine’s Evidence and Tables 1 and 2

5.2 There appear to be a number of inconsistencies within Mr Paine’s PoE in terms of tables 1 and 2.

5.3 Table 2 suggests that the total impact of the changes to the supply are -72 while the difference between the two resulting totals is – 359 (3,506 - 3,859). In totalling the changes listed in table 2 I calculate the difference to actually be – 316.

5.4 However cross checking Mr Paine’s evidence with table 2 highlights that Table 2 contains the following site as part of the supply while Mr Paine’s evidence suggest that it should not be included:

Scania House and Amwell Street (LP Site 25)

Insufficient evidence. Deduct 36. (36 > 0)

5.5 This increases the undersupply to 352 which makes no material difference to the situation in Table 1 of Mr Paine’s PoE. For the purposes of this rebuttal I am relying upon Mr Paine’s

individual site assessment in terms of the potential supply.

c) Revised Tables of disputed supply

5.6 The table below sets out both the council's most recent evidence as summaries for each site as contained in Mr Paine's PoE and my commentary on this evidence. There are the following general points regarding the council's evidence in relation to these sites which are:

- a) As a matter of principle should sites which were only draft allocations at the base date (1st April 2020) be included in the supply as they do not fall within the definition of deliverable in the annex of the Framework?
- b) What approach should be taken to the collection of emails released on the 25th June 2021 between the council and the site promoters or developers all relate to the present situation which is some 15 months after the base date?
 - i) To what extent does this correspondence confirm the situation as at 1st April 2020?
 - ii) To what extent does this introduce new information that could not have been known at the base date?
 - iii) Does any of the correspondence now presented actually extend beyond mere assertion and deal with the technical, legal and commercial/financial aspects of delivery?
- c) as a general point is noted that much of the council new evidence is exactly that - new evidence that would not have been available at the base date of 1st April 2020 to justify the inclusion of the site within the 5 year housing land supply.

i) Detailed Commentary on Category B sites

5.7 The following sites are included in the Council's supply as category B sites were challenged for the reasons set out below and this table seek to update both the evidence the council are relying upon and my response to it.

Table 1. Detailed Commentary on Contested sites

Site Reference	Original Council projected supply 2020/21 – 2025/27 AMR	Revised Council projected supply 2020/21 – 2025/26	Change to AMR	Councils Commentary	Appellant supply 2020/21 – 2025/26	Appellant Adjustment	Appellant Commentary	Agreed?
BR2 – Brookfield Garden Village	100	0	-100		0	-100		A

<p>CH1 - Cheshunt Lakeside</p>				<p>Mr Neo Rakodi (the Land Development Director for Cheshunt Lakeside) of Inland Homes (Cheshunt Lakeside Ltd) provided the following phasing schedule: Parcel 14, 22 dwellings starting July 2021 completion Sept 2022. Parcel 2, 205 dwellings, start August 2021 completion October 2023 Parcel 13, 95 dwellings, starts April 2022, completion April 2024. Parcel 12, 279 dwellings, start June 2023, completion December 2025 (note: prorate 198 by end March 2025) Reserve matters application for Parcel 2 (205 dwellings) was approved and issued in June 2021. A Reserved Matters application for Parcel 12 is expected in late 2021 and parcel 13 in early 2022. Developer evidence of deliverability is clear within the scope of Part B of the Framework definition. Add 46 (555 > 601)</p>		<p>0</p>	<p>-555</p>	<p>Not a Category B site at the baseline date of the assessment this was a draft allocation with no extant permissions. Detailed applications for Parcel 2 (Phase 1B, 205 units) and Parcel 14 (22 units) submitted December 2020 which is significantly after the base line date. Parcel 14 - ref. 07/20/1186/RM approved 3 March 2021. Parcel 2 - ref. 07/20/1187/RM submitted December 2020 - decision pending, no extant reserved matters permission. No clear evidence that other units (apart from the 22 units in Parcel 14 with reserved matters approval) will be delivered. No evidence that any of the site passed the test of being deliverable at the base date. At best the 22 with RM approval would pass the test of deliverable if the site was a cat B site at the baseline which it was not.</p> <p>The council's recent evidence is based upon an email received from Redrow on the 8th June 2021 (Email bundle page 33). The email clearly identifies that these are "indicative" and provides no information with regard to the timing of securing of the necessary consents. The email fails short of clear evidence of the delivery of this site which at present only has RM consent for 22 dwellings. The councils claimed level of completions of some 601 in the next 3 years 9 months is unrealistic even with delivery starting in September 2021 this represents a build out rate of 171 dpa this is significantly</p>	
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						<p>higher than the average build out rate so sites of this size of 68 dpa so even if the inspector was to accept that the site is deliverable then the contribution has been seriously over estimated on the basis of the assertion of the developer. It is further noted that the responded in their telephone conversation with Camile Rantz Mc Donald a number of sizes were highlighted regarding delays experienced in the borough but that there is no suggests that these issues have actually been addressed (email bundle page 33). This email exchange falls short of clear evidence that completions will be delivered from this site.</p>	
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<p>CH2 - Rosedale Park - North/South of Andrews Lane, and South of Peakes Way</p>	240	181	-59	<p>Mr James Demello, Land Manager at developer Crest Nicholson Eastern, has provided the following phasing plan: 2020/1 – 0 2021/2 – 50 (Phase 1A) 2022/3 – 35 (Phase 1B) 2023/4 – 48 (Phase 2) (pro-rata) 2024/5 – 48 (Phase 2) (pro-rata) Reserved Matters application 21/0596/RM for 50 dwellings in phase 1A has been received and is under consideration. Clear evidence is provided within the scope of Part B of the Framework definition. Deduct 59 (240 > 181)</p>	0	-240	<p>Not a Cat B site at the baseline date of the assessment this was a draft allocation with no extant permissions. No reserved matters application submitted at base date. Application for discharge of condition 29 of outline application submitted January 2021 (ref. 07/21/0033/DRC) - decision pending. No clear evidence that site will be delivered. Email from RPS dated 22/06/2021, states that the pre-reserved matters determination conditions will be submitted within the next two weeks. Email from 2/6/2021 suggests that a RM was submitted for 50 dwellings on 6/5/2021 and that the site has been transferred to Crest Eastern for implementation. The email from James Demello (email bundle page 42) states that the information provided is based upon their "Current anticipated timings" with year 1 commencing in early 2022. The council have has interpreted this as meaning that 50 dwellings will be delivered in 2021/22 i.e. 50 dwellings delivered in the period. Besides confirming that an application has been made for the first phase 1 a (for 50 dwellings) the email provides no further evidence of how this site will be delivered in terms of securing future applications etc. These emails do not amount to clear evidence that the site was deliverable at the base date or is presently deliverable.</p>
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CH2 - Rosedale Park - North of Andrews Lane 64 bed care home	64	0	-64		0	-64		A
CH2 Rosedale Park - Tudor Nurseries	280	243	-37	Ms Cristina Naulls, Senior Planning Manager at Redrow Homes, has provided a housing delivery schedule for this site as follows: Oct 2021 – June 2022: 50 units July 2022 – June 2023: 70 units July 2023 – June 2024: 70 units July 2024 – June 2025: 70 units (52 pro-rata over 9 months to 31 March). Construction has started on site and the shell of a significant number of homes have already been completed. Ms Naulls has indicated that the S278 Site accesses will be completed in August 2021, with first occupation in Q4 2021. Site falls within the scope of Part A of the Framework definition and there is clear developer evidence of the lead-in times. Deduct 38 (280 > 242).	0	-280	Not a Cat B site at the baseline date of the assessment this was a draft allocation with no extant permissions. Outline application 07/17/0864/O approved 22 January 2020 with no clear evidence provided to support deliverability assessment. 07/20/0157/RM not approved until after base date. Approved 23 December 2020. Also challenged on delivery rates - NLP rates suggest would only deliver 140 in next 5 years. The Council's recent evidence is based upon an email received from Redrow on the 14th June 2021 (Email bundle page 9). This was in a response to a request from Mr Paine requesting the approximate dates for the phasing numbers being supplied. This email does not represent clear evidence of delivery it provides an estimate of delivery without addressing issues such as the securing of the necessary consents. The majority of the site is still not covered by implementable permissions. This email exchange does not constitute clear evidence of delivery.	

CH2 - Rosedale Park - South of Andrews Lane				Full permission for 66 dwellings 07/21/0005/F (Bellway Homes) currently under consideration. Briffa Phillips architects have in an application for a further 10 dwellings on part of the site in a separate landownership (07/20/1068/F). Site falls within the scope of Part B of the Framework definition of deliverable and there is clear evidence that delivery will take place within five years. Add 16 (60 > 76).			Not a Cat B site at start of assessment period it was a draft allocation. No reserved matters application submitted at base date. No clear evidence that site will be delivered. Besides reporting the existence of the two applications there is no further evidence as to the delivery of these sites. These recent submissions fall short of clear evidence of delivery.	
	60	76	16		0	-60		
CH7 – Cheshunt Football Club	100	0	-100		0	-100	Not a Cat B site at start of assessment period	A

<p>CH9 – Theobald’s Brook Field</p>	<p>90</p>	<p>90</p>	<p>0</p>	<p>Ms Justine Fancy, Programme Director for Hertfordshire at Chalkdene Developments states that, subject to resolution of two outstanding issues with Broxbourne Council’s property team, the site should be delivered by 2024/25. The site benefits from an outline permission reference 07/18/0021/O. Site falls within Part B of the Framework definition and there is clear evidence of delivery within five years. No change (90).</p>	<p>0</p>	<p>-90</p>	<p>Not a Cat B site at start of assessment period Outline application (07/18/0021/O) received on 03/01/2018 and is still under consideration. No extant permission and no clear evidence that site will be delivered.</p> <p>Email from Chalkdene Developments dated 16/6/2021 (email bundle page 37) stating that the site was approved to be sold in Q4 of 2020 however now needs to go back for reapproval due to cabinet changes. Therefore the site needs approval to be sold and approval of valuation method. There is no evidence that this process has been completed. It is pertinent to note that the Ms Fancy’s email identifies not only the need for the release of the site to be approved by the council but also for a method of valuation to be agreed and is seeking assistance on this later matter. The email from Mr Paine on this matter requested that the respondent confirm that subject to planning it is realistic that the site would be completed by March 2026. This correspondence simply highlights the present barriers that are required to be overcome and provide no evidence as to the resolution of these matters or of securing the necessary consents to bring the site forward. This email exchange falls short of providing clear evidence of delivery.</p>
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<p>CH10 – East of Dark Lane</p>	<p>50</p>	<p>50</p>	<p>0</p>	<p>Ms Justine Fancy, Programme Director for Hertfordshire at developer Chalkdene Developments has stated that this development is expected to be on site at Q4 2021/Q1 2022 and complete Q3 2023. The site benefits from an outline permission 07/18/0022/O. Site falls within the scope of Part B of the Framework definition of deliverable and there is clear developer evidence of delivery within five years. No change (50).</p>	<p>0</p>	<p>-50</p>	<p>Not a Cat B site at start of assessment period Outline application (07/18/0022/O) received on 08/01/2018. Outline permission granted 15/12/2020 but no reserved matters application submitted. No discharge of condition applications submitted. No clear evidence that site will be delivered. Email from Chalkdene Developments dated 16/6/2021 stating that there is ongoing s106 discussions have delayed the site by 6 months, hoping to have the s106 signed this month. If planning is obtained in October as hoped completion is anticipated in q3 of 2023. All of this is contingent in securing a s106, and RM consents and the timings provided are simply aspirations of the promoter. This email exchange does not represent clear evidence of delivery.</p>	
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CH11 - Former Eastern Playing Fields	75	75	0	Mr John Evans, Senior Planning Officer at Hertfordshire County Council – property, has stated that it is anticipated that this 75-bed extra care facility will be completed by autumn/winter 2024. Site falls within Part B of the Framework definition of deliverable. No change (90)	0	-75	<p>Not a Cat B site at start of assessment period No applications submitted. No extant permission and no clear evidence that site will be delivered.</p> <p>The email from Hertfordshire County Council dated 18/6/2021 (email bundle page 15) that states HCC are undertaking a procurement exercise to identify a RP to secure planning permission, design, build, and manage the scheme as extra care. They indicate that the RP will be selected in summer 2021 and completion will be in 2024. There is also a copy of the pre app response which states the principle of development is acceptable.</p> <p>It is noted that this is in response to Mr Paine's email of 11 June 2021 (email Bundle page 17) which requests “I just need an optimistic statement that the site should be completed before 31st March and a sentence on how it will be delivered”.</p> <p>The email exchange demonstrates that this project is at a very early stage with no developer selected, no scheme, and no planning or other approvals. This email exchange does not provide clear evidence of delivery.</p>	
CH12 – Land North of Bonney Grove	40	0	-40		0	-40		A

CH13 - Borough Council Offices, Churchgate	30	49	19	Application for full permission comprising a residential proposal of 49 dwellings is currently under consideration 07/21/0668/F. The applicant is Broxbourne Borough Council Property Services for development on land owned by Broxbourne Borough Council. Site falls within the scope of Part B of the Framework definition of deliverable. Add 19 (30 > 49).	0	-30	Not a Cat B site at start of assessment period it was simply a draft allocation. No applications submitted at base line. No extant permission and no clear evidence that site will be delivered. There is no further information regarding this application. Application 07/21/0668/F submitted this year by the council. There appears to be no developer appointed to deliver the scheme. The presence of an undetermined application falls short of clear evidence of delivery.	
CH14 – Land south of Hammondstreet Road	45	0	-45		0	-45		A
GO2 – North of Goffs Lane (Tina Nurseries site)	81	81	0	Mr Ben Grinnall, Director at Land Chain, has stated that Matthew Homes will be the developers for this site, the sale of which has now been completed. Pre-application advice has been sought and is currently being prepared by the Council. The site benefits from an outline planning permission (07/18/1097/O). Site falls within the scope of Part B of the Framework definition of deliverable. No change (81).	0	-81	Outline permission granted 23 October 2019. No conditions discharged or reserved matters applications submitted. No clear evidence that site will be delivered. Emails from Land Chain (the Planning Consultants) 22/06/2021 (Email Bundle page 2) suggests that the site has now been purchased by Matthew Homes. The email however states that there is a pre app submitted, it also suggests that cooperation may assist the pre app process. Also, they note that information on the timescales of construction and completions is not available yet. It is noted that the Council officer comments that the response "doesn't say much!". We would agree. This email exchange falls short of clear evidence of delivery.	

GO4 - Newgatestreet Road	25	38	13	On 2 March 2021 Planning Committee resolved to approve a Full Plans application for 38 dwellings on this site (07/20/1220/F). It is anticipated that a Section 106 agreement will be signed within the next month. Site falls within the scope of Part A of the Framework definition of deliverable. Add 13 (25 > 38).	0	-25	<p>Not a Cat B site at start of assessment period as it was just a draft allocation. Application for 42 units (ref. 07/19/0753/F) refused 2nd July 2020. 07/20/1220/F – application for 38 dwellings validated 24/12/2020. Recommended for approval as per an officer report with a committee date of 02/03/2021 but no decision notice or completed S106 agreement published on Council's website. Trajectory indicates 25 units will be delivered in 2023/24. This site does not yet appear to have an extant permission in place and therefore no clear evidence site will be delivered within 5 years.</p> <p>Email from Stonebond Properties dated 8/6/2021 (email bundle Page 40) states that the section 106 is not signed and there is no decision notice, this is anticipated in June 2021. Still no planning permission. The short email exchange falls short of clear evidence of delivery as it sets out the developers aspirations.</p>
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<p>GO5 – North of Cuffley Hill (Rosemead/Fairmead Nursery)</p>	<p>26</p>	<p>58</p>	<p>32</p>	<p>Mr Ben Hunt, Associate Director (Development) at Countryside Properties states that a scheme for 59 homes is currently in planning (with an aspiration for a decision at Planning Committee in September). He states that the high level programme shows a start on site date for this project late summer 2022 with first private completions coming forward in Autumn 2023. Site falls within the scope of Part B of the Framework definition of deliverable and there is clear developer evidence of delivery within five years. Add 33 (26 > 59)</p>	<p>0</p>	<p>-26</p>	<p>Not a Cat B site at start of assessment period just a draft allocation. Application at Fairmead (07/19/0200/F) received 04/03/2019 and is under consideration. No extant permission and no clear evidence that site will be delivered.</p> <p>Email dated 24/06/2021 from Countryside (Email bundle page 1) who have an option on the land, states they are planning to make further changes to the application in response to officers comments and will submit these to the council in July 2021. The email also indicates the s106 agreement and negotiations has not commenced, and that there is an expected start date in late summer 2022 and completions in Autumn 2023. Therefore, the site still has no extent permission and progress towards delivery is limited. the email exchange highlights the lack of progress on the current application and the need for further changes. There is not clear evidence that this site will deliver.</p>	
<p>HOD2 Scania House 17 & 19 - first floor</p>	<p>24</p>	<p>24</p>	<p>0</p>	<p>Prior Notification Application (07/19/0204/PNRES) approved on 30/04/2019 within part of Scania House. Site falls within the scope of Part A of the Framework definition of deliverable. No change (24).</p>	<p>0</p>	<p>-24</p>	<p>Allocation HOD2 not a Cat B site at start of assessment period</p> <p>Prior Notification Application (07/19/0204/PNRES) approved on 30/04/2019 within part of Scania House only. Approved after base date.</p> <p>The subsequent granting of a PNA does not overcome the issue that at the base date the site was not a cat B site.</p>	

HOD2 Scania House and Amwell Street	36	0	-36		0	-36		A
HOD3 – Former Hoddesdon Police Station				The sale of this land to Capitalise Ltd took place last year and they have now appointed DPA Associates. Council is awaiting a statement from DPA. Site falls within the scope of Part B of the Framework. No change (30).			Not a Cat B site at start of assessment period just a draft allocation. No applications submitted. No extant permission and no clear evidence that site will be delivered The council provide no additional evidence to support the statement the fact that a sale of the land has occurred is not clear evidence that the site will deliver housing in the next five years.	
	30	30	0		0	-30		
HOD 4 Turnford Surfacing Site							Not a Cat B site at start of assessment period. Application submitted 12 June 2020. Committee resolved to grant permission at 15 December 2020 meeting. No permission in place at 1st April 2020 base date or June 2021 There is no clear evidence that this site will deliver completions in the next five years.	
	40	104	64		0	-40		

<p>HOD6 – Land east of Dinant Link Road/Essex Rd Gateway</p>	<p>35</p>	<p>35</p>	<p>0</p>	<p>Mr Kevin Clark, Head of Property at Broxbourne Borough Council, has stated that there is a commitment to push forward with a residential scheme on this site based on drawings produced previously which indicated a mixed flatted and terraced housing scheme achieving 35 units. Tendering for the design work is due to commence next month with a target of completion of the development before 31/03/2025. It is highly likely the Council will undertake the development itself or via a Joint Venture rather than disposing of the site on the open market, therefore giving the Council more control on the ultimate delivery of the units. Site falls within the scope of Part B of the Framework definition of deliverable and there is clear developer evidence of delivery within five years. No change (35)</p>	<p>0</p>	<p>-35</p>	<p>Not a Cat B site at start of assessment period just a draft allocation. No applications submitted. No extant permission and no clear evidence that site will be delivered.</p> <p>There is an email from the head of property services at the council dated 24/6/2021 (email bundle page 28) and states that the council have yet to take control of the land and that the tendering for the design work is due to commence next month and that the council are targeting completion before 31/03/2025 although no further detail is provided as to how this will be achieved in terms of achieving the planning and other consents.</p> <p>This email falls short of clear evidence of delivery.</p>	
<p>HOD7 High Leigh housing only</p>	<p>275</p>	<p>328</p>	<p>53</p>	<p>Mr Andrew Holloway, Land and Planning Director at Taylor Wimpey North Thames, has provided a phasing schedule including the following build dates:10 Phase 1: 100 homes (Sept 21- Nov 22) – 07/20/0046/RM (granted) Phase 2: 141 homes (Dec-22 - June 24) – 07/21/0405/RM (under consideration) Phase 3: 109 homes (May 24 - Aug 25) (87 pro-rata for 12 months to end March 2025). Site falls in Part within the scope of Part A of the Framework. Remainder of the site falls within the scope of Part B of the Framework and there is clear</p>	<p>100</p>	<p>-175</p>	<p>At present only 100 dwellings have RM consent. Reserved matters (07/16/1371/RM) approved 15 March 2017. Number of discharge of conditions submitted since this time. The further RM for an additional 141 dwelling still pending.</p> <p>The email correspondence (page 35 email bundle) highlights a number of factors that might delay the delivery of this site including planning delays. The information provided is described as a "high level build programme". the email highlights that similar delays to the granting of RM for the pending of phase 2 application will result in issues of build</p>	

				developer evidence of delivery within five years. Add 53 (275 > 328).			continuity which would result in further delays to delivery. In light of this evidence it is not considered that the whole of the build programme has clear evidence of delivery. At present there is only clear evidence of delivery of 100 dwellings which presently have RM approval.	
HOD7 High Leigh - 64 bed care home	64	0	-64		0	-64		A
HOD8 – Westfield Primary School				Ben Bowles, Senior Planning Officer at Hertfordshire County Council, has advised that the new school facilities at High Leigh Garden Village are due to open in time for the 2024 academic year (September 2024). Demolition of the existing school can be expected to take place over the summer of 2024 with housing construction realistically expected to take place immediately after that, with full completion by 31 March 2025. Site falls within the Scope of Part B of the Framework. No change (37).			Outline permission granted March 2019. No conditions discharged or reserved matters applications submitted. No clear evidence that site will be delivered. The email exchanges (page 12 of the email bundle) is extremely vague and does not confirm the position as set out in Mr Paine's evidence. The two RM granted 07/20/0046/RM and 07/21/0405/RM do not relate to the redevelopment of the existing school. There is no evidence to support the statement that these 37 dwellings will be delivered within 9 months between the demolition of the school in summer of 2024 and march 2025 as claimed by the council. The email exchange falls short of clear evidence of delivery.	
	37	37	0		0	-37		
WC3 - Theobalds Grove Station	50	0	-50		0	-50		A
Total	2,452		-352		100	-2,352		

PINS REFERENCE APP/W1905/W/21/3271027
Planning Permission for New Stadium and associated uses
Rebuttal Proof of Evidence: Roland G Bolton
Five Year Land Supply

Table 2. Summary of differences between Council and Appellant on challenged sites.

Site Reference	Original Council projected supply 2020/21 – 2025/27 AMR	Revised Council projected supply 2020/21 – 2025/26	Change to AMR	Appellant supply 2020/21 – 2025/26	Appellant Adjustment	Agreed?
BR2 – Brookfield Garden Village	100	0	-100	0	-100	A
CH1 - Cheshunt Lakeside	555	601	46	0	-555	N
CH2 - Rosedale Park - North/South of Andrews Lane, and South of Peakes Way	240	181	-59	0	-240	N
CH2 - Rosedale Park - North of Andrews Lane 64 bed care home	64	0	-64	0	-64	A
CH2 Rosedale Park - Tudor Nurseries	280	243	-37	0	-280	N
CH2 - Rosedale Park - South of Andrews Lane	60	76	16	0	-60	N
CH7 – Cheshunt Football Club	100	0	-100	0	-100	A
CH9 – Theobald’s Brook Field	90	90	0	0	-90	N
CH10 – East of Dark Lane	50	50	0	0	-50	N
CH11 - Former Eastern Playing Fields	75	75	0	0	-75	N
CH12 – Land North of Bonney Grove	40	0	-40	0	-40	A
CH13 - Borough Council Offices, Churchgate	30	49	19	0	-30	N
CH14 – Land south of Hammondstreet Road	45	0	-45	0	-45	A
GO2 – North of Goffs Lane (Tina Nurseries site)	81	81	0	0	-81	N
GO4 - Newgatestreet Road	25	38	13	0	-25	N
GO5 – North of Cuffley Hill (Rosemead/Fairmead Nursery)	26	58	32	0	-26	N
HOD2 Scania House 17 & 19 - first floor	24	24	0	0	-24	N
HOD2 Scania House and Amwell Street	36	0	-36	0	-36	A
HOD3 – Former Hoddesdon Police Station	30	30	0	0	-30	N
HOD 4 Turnford Surfacing Site	40	104	64	0	-40	N
HOD6 – Land east of Dinant Link Road/Essex Rd Gateway	35	35	0	0	-35	N
HOD7 High Leigh housing only	275	328	53	100	-175	N
HOD7 High Leigh - 64 bed care home	64	0	-64	0	-64	A
HOD8 – Westfield Primary School	37	37	0	0	-37	N
WC3 - Theobalds Grove Station	50	0	-50	0	-50	A
Total	2,452	0	-352	100	-2,352	

6.0 CONCLUSION

6.1 Having reviewed the council's new evidence regarding delivery I am not persuaded that this much more recent evidence provides any justification for the inclusion of the draft allocations within the supply at the base date. Furthermore, the email correspondence itself fall short of clear evidence of delivery for these sites at the present time. The result of my review of the evidence is set out in the table below:

Table 3. Summary of the Council's and the Appellant's 5 year land supply position at 1st April 2020

Housing Land Supply Components	Housing Land Supply 2020 - 2025 - SPRU Analysis	BBC (AMR 2018- 2020 App H)	BBC Mr Paine PoE Table 2	SPRU (Rebuttal PoE)	Difference Council PoE and SPRU Rebuttal PoE
Commitments (excluding Local Plan sites)		615	615	615	0
Local Plan allocations		2,874			
Reductions to AMR			-352	-2,352	
Revised Supply		2,874	2,522	522	2,000
Windfall Allowance (70 dpa)		350	350	140	210
Self-build Allowance (5 dpa over 4 years)		20	20	20	0
Total		3,859	3,507	1,297	-2,562
Requirement Scenario					0
Base OAN requirement (dpa)		454	454	454	0
Requirement over 5 years		2,270	2,270	2,270	0
Shortfall		715	715	715	0
With Buffer @ 20%		3,582	3,582	3,582	0
Dwellings Per Annum		716	716	716	0
Council Supply					
Council Deliverable Supply		3,859	3,507	1,297	-2,562
Years @ 20% Buffer		5.39	4.90	1.81	-3.58
Oversupply/Undersupply		277	-75	-2,285	-2,562

6.2 This highlights that while the council witness seeks to place limited weight on the "minimal shortfall" in the housing land supply (Thompson paragraph 10.2) a more critical review of the evidence of delivery reveals the shortfall to be substantial and would attract substantial weight as well as triggering the tilted balance in paragraph 11 of the Framework.



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