Matters Arising Changes Representation Form

As part of the Examination into the Cardiff Local Development Plan (LDP) a number of Matters Arising Changes have been proposed to the LDP. These changes are set out in the Matters Arising Changes Schedule. This is your opportunity to comment on the Matters Arising Changes. All comments previously made at Deposit stage have already been considered by the Inspectors and so this form should only be used to comment on the Matters Arising Changes.

All completed forms should be returned by midnight on 23rd July 2015 to: LDP Team, Room 131, City Hall, Cardiff, CF10 3ND or email LDP@Cardiff.gov.uk

Also available for comment are the Sustainability Appraisal and Habitats Regulations Assessment of the Matters Arising Changes at www.cardiff.gov.uk.

PART 1: Contact details

<table>
<thead>
<tr>
<th>Your/ your Client’s details</th>
<th>Agent’s details (if relevant)</th>
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<tbody>
<tr>
<td><strong>Title:</strong></td>
<td>Mr</td>
</tr>
<tr>
<td><strong>Name:</strong> Messrs R,H,S&amp;M Bogod</td>
<td>Darren Parker</td>
</tr>
<tr>
<td><strong>Job title:</strong> (where relevant)</td>
<td>Operational Director</td>
</tr>
<tr>
<td><strong>Organisation:</strong> (where relevant)</td>
<td>RPS</td>
</tr>
</tbody>
</table>
| **Address:** c/o Agent      | Park House  
                          Greyfriars Road  
                          Cardiff  
                          CF10 3AF         |
| **Telephone no:**           | 02920 668662                |
| **Email:**                  | darren.parker@rpsgroup.com  |

Please note that all representations will be made available for public inspection and cannot be treated as confidential. However to ensure data protection we will remove personal details from publically accessible documents.

Signed: Date:  
23.07.15
PART 2: Commenting on Matters Arising Changes

Which Matters Arising Changes do you wish to comment on (Please refer to the Matters Arising Changes Schedule)

Matters Arising Changes reference

MAC4

Support/Object (Delete as appropriate)

Support/Object (Delete as appropriate)

Support/Object (Delete as appropriate)

Support/Object (Delete as appropriate)

If you are objecting to a change it would be helpful if you could indicate which Test of Soundness you consider it to fail (Please refer to guidance note).

C2, CE2, CE3 and CE4

Please note if you do not identify a test it will not mean your comments will not be considered.

PART 3: Your Response

Your comments should be set out in full and relate to the Matters Arising Changes only.

Please use the space provided to set out your representation. Please be explicit as to which ‘matters arising change’ your comments relate to.

(Continue on a separate sheet/expand box if necessary)

1. Level of Growth

It is contended that uncertainty exists within the evidence base presented in relation to data the Council has used as a basis to form not only its household projections but also its household completions/residential land bank. In particular, it is considered that the information presented within Table 1 of Policy KP1 is inaccurate and presents an over inflated residential land bank/housing completion figures (as of 1st April 2014). As a result, the proposed housing provision set out within Table 1 of the policy presents a very real risk of under delivery during the plan period, especially during the early years of the plan and as such, appropriate alternative sites should be identified to remedy this under supply.

Our assertions are based on the following key points which have been identified within the Council’s
methodology in relation to MAC4/Policy KP1. For the reasons set out below it is therefore
contented that the Council has not fully justified its departure from using official projections as
required by guidance set out in Planning Policy Wales.

a) TAN1 (2015) stipulates that LPAs should only plan for C3 housing requirements. As such, the
Council have removed all the non C3 accommodation (including private student ‘halls’
accommodation, care homes etc) from their supply figures.

At para 66 of the Cardiff Council Response to Housing related Action Points (CCRHAP), the
Council state that their household projections within the Cardiff LDP exclude the population
classified as ‘not-in-households’ (i.e communal/institutional population). As such, populations living
in prisons, residential care homes and students halls of residence have therefore been excluded.
However, any students which live in accommodation not included within the ‘communal
establishment’ category, such as private student accommodation are included within the household
demand calculations.

On the basis of the above, this leaves a disparity as the students living in privately owned university
halls of residence are included within the household demand but then their accommodation is
removed from the supply. In recognition of this, the Council state at para 69 of the CCRHAP that
they have applied a ‘deduction on the demand side in order to allow a meaningful comparison when
calculating the residual land supply’.

As a result of the above, the Council have, in effect, simply tried to exclude the student ‘halls’
(university owned and private) population from their housing supply and demand figures. It is
therefore assumed that those students living in general residential houses, mainly in Cathays, are
left in the calculations although this remains unclear.

The Council however admits at para 70 of the CCRHAP that there have been practical difficulties in
regards to estimating the number of private household population living in non C3 accommodation
and that no guidance or methodology exists to undertake such an assessment.

It is therefore considered that given the large number of students and impact the student population
has in relation to Cardiff’s population and housing land supply that the Council should have to justify
their methodology and assumptions further. Simply guesstimating a reduction in demand and
supply is not robust given how clearly complex the issues are.

This point is further demonstrated at paragraph 2.7 of the edge analytics report (June 2013) which
states that: ‘the communal population [of Cardiff] has increased by approximately 45%,
demonstrating the increasing importance of the student population to Cardiff’s usually resident
population’.

The Council should therefore be made to further explain and justify the methodology they have
used in respect of communal establishments for students as well as other such institutions such as
residential care homes as such factors greatly impact upon the demand and supply figures.

b) Table 1 included within Policy KP1 sets out the housing provision over the plan period and Row 3
confirms that the Council, unusually, has sought to use Council Tax data in order to establish their
housing completions between 2006-2014. This is a step change from using JHLAS data which is
based on housing completions via Building Regulation, NHBC and Council Building Regulation
data, as well as input from relevant developers where applicable.

According to the STATS Wales data produced by the Welsh Government in relation to new
dwellings completed from 1st April 2006 to 31st March 2014, Cardiff had a completion rate of 8321
dwellings. This number is obviously significantly lower (some 3934 dwellings) than the 12,255
dwellings included within Table 1 of Policy KP1 which is based in Council Tax data. The Council
has however so far failed to provide an adequate explanation for this significant disparity.

When looking into Council Tax data in more detail, it becomes apparent that the data doesn’t just
include new build, it also includes the following:

• Houses in multiple occupation by 6 or more people.
• Bed sit accommodation. Whereby if a room has a kitchen and bathroom it would be counted as
one self-contained council tax property. Accordingly there could be 3/4/5 such properties in a
house which has a single front door on the street.
• All homes which are rented to students, but occupied by less than 5 people and therefore not
HMO.
• Granny Annexes – classified under use Class C3 and subject to Council Tax, but clearly only
available to family member and not general population.
• Sheltered accommodation which may consist of a block of apartments, each with its own front
door and with a warden. Use Class C2, but has its own front door and postal address, therefore
a possible council taxable property.
• Age restricted accommodation say for retirement properties which have individual front doors
either onto a street or within a secure lobby area.
• Care in the community type buildings occupied by multiple people, either living as one family
unit sharing facilities or possibly with their own kitchen/bathroom and therefore individual
Council Tax property.
• All caravans which are lived in - as sole & main residence.
• Boat houses and yachts in Cardiff Bay which are lived in are either a residential property or
possibly other Council Tax registered property.
• Individual care homes which are registered as a Care Home are counted as a single residential
property.

Whilst it is recognised that the JHLAS data doesn't make provisions to record wider changes such
as demolitions, change of use and residential conversions, it is normal to make a separate
allowance for these based on experience. It is in fact noted that the Council makes provision for
such an allowance and as such, an allowance for adjustments in the dwelling stock of the plan
period of a further 242 dwellings, as shown in Row 5 of Table 1 of Policy KP1. Using Council Tax
records as a basis for determining housing completions as well as having an adjustment allowance
provides a real danger of double counting and therefore resulting in a further shortfall of housing
required.

Furthermore, it has already been established that there is a significant difference in the residential
completion figures when using Council Tax data when compared to the completion data used by
STATS wales. Moreover, the residential completion figures based on Council Tax data also
includes uses which do not fall into Use Class C3 and therefore, according to TAN1 should not be
included in the housing supply figures. Whilst it is recognised that the Council has gone some way
into adjusting their figures to reflect student accommodation, the same cannot be said for all the
categories outlined above.

It is however considered that the Council’s reliance on Council Tax data also poses the potential for
significant undesirable planning, social and environmental consequences arising from the above:
encouragement of HMO and substandard housing as being counted as acceptable accommodation
for household need.

It is therefore contended that the Councils reliance on Council Tax data to establish the residential
completions between 2006-2014 is flawed and instead provides an overstatement of current supply.
The reliance on such data will mean that the plan could under provide as many as 3934 dwellings
and as such further sites are needed to bring forward the short fall in supply quickly.

According to TAN1, local planning authorities should integrate their LDP and JHLAS processes.
JHLAS provide an important part of the evidence base for LDP preparation. To date, and like other
local planning authorities, Cardiff has used the STATS Wales data as a basis to establish its
housing completion figures. Indeed, when questioned regarding the overall need for housing in
Wales the First Minister quoted the STATS Wales data.

Furthermore, TAN1 states that local planning authorities are required to demonstrate that there is a
5-year housing land supply at the time the plan is adopted and the last approved JHLAS can be
used as an important piece of evidence. Local planning authorities like Cardiff without an up-to-
date JHLAS should instead carry out an objective assessment of their housing land supply. This
assessment will not carry the same weight as a formal study. In these circumstances, it would
seem appropriate that the 5-year land supply assessment undertaken is further considered as part
of the examination by means of a specific hearing session for this purpose.

2. Deliverability and the 5 Year Supply

Support is given to the LDP’s strategy for the allocation of a number of strategic sites to deliver housing across the City and no concerns are raised over the number of dwellings proposed for the sites or their deliverability over the plan period. It is considered that such sites have been allocated on the basis of sound and robust evidence.

Concerns are however raised over the forecasts the Council have provided for the number of dwellings it expects the plan to deliver during the first five years and in turn the plans ability to demonstrate a 5 year land supply. In particular, the Council’s reliance on a large number of unidentified windfall sites is flawed and can provide no certainty for the deliverability of housing during the early years of the plan.

Furthermore, according to the evidence presented within the Council’s Statement (December 2014) the Council outlines that as of 1st April 2016 it expects 645 dwellings across the strategic sites will be under construction. However, due to the delays that are currently being experienced within the Council’s Development Management team in determining a number of applications for the strategic sites, it is highly unlikely that any of the sites will be under construction by April 2016. This is despite the developers of the strategic sites submitting early applications to ensure a 5 year land supply could be demonstrated by the Council in the early years of the plan period.

In addition to the above, it is also noted that the Council relies upon a 10 year average completion figure for Cardiff in order to estimate its housing completions from the start of the plan period to the base date (2015 & 2016). This is considered highly flawed given that the STATS Wales website confirms that the number of dwellings in Cardiff completed in 2015 (taken 1st April 2014– 31st March 2015) was just 398 dwellings compared to the 1362 per annum it has used in its figures on the basis of a 10 year average supply. Again, this factor further contributes to the under delivery of housing during the early years of the plan.

On the basis of the above, the proposed housing trajectory set out in the plan highlights a very real and significant risk of under delivery in the early years of the plan. As such, it is considered that appropriate smaller alternative sites should be identified to remedy this deficiency.

The alternative site at Druidstone Road, Old St Mellons (candidate site number AS(N) 12 & 13) aligns with the spatial strategy and can deliver the key objectives of the plan, and more importantly contribute to the housing supply for Cardiff. Moreover, the site is also located in a sustainable location [Old St Mellons] as recently confirmed by the Appeal Inspector who dealt with the site at Bridge Road (PINS reference: APP/Z6815/A/14/2229933), who confirmed that that the appeal site was indeed sustainable. Evidence in support of the site’s allocation has already been submitted as part of the LDP examination.

3. Flexibility Allowance

Concerns are also raised over the way in which the flexibility allowance of an additional 10% (4,000 dwellings) has been pre-determined by being identified adjacent to three of the allocated strategic sites (namely Land North of North West Cardiff Strategic Site, Land West of the Strategic Site North of J33, and North West Strategic Site). All the sites are in similar locations - to the northwest of the City, and limiting the allowance in this manner cannot therefore be said to offer real flexibility to assist in the delivery of the necessary housing numbers throughout the City.

It is therefore suggested that the 10% flexibility allowance should remain as flexible as possible such that it is able to be taken up by any of the identified strategic sites, or indeed by any other smaller appropriate sites which conform to the policies of the LDP.

4. Windfalls

As previously outlined, the Council’s reliance on a large number of unidentified windfall sites to deliver housing during the plan period is flawed and can provide no certainty for the deliverability of housing. It is therefore contended that the certainty of achieving the rate of delivery expected
during the plan period can only be achieved by allocating additional smaller sites, which can brought forward swiftly instead of overly relying on windfall. Such sites can be delivered relatively quickly and will have a meaningful impact on Cardiff’s housing land supply and thereby complement progress at the Strategic Site in order to achieve the required delivery levels.

The alternative site at Druidstone Road, Old St Mellons (candidate site number AS(N) 12 & 13) aligns with the spatial strategy and can deliver the key objectives of the plan, and more importantly contribute to the housing supply for Cardiff. Evidence in support of the site's allocation has already been submitted as part of the LDP examination.

5. Summary

On the basis of the information set out above, we would request that the Council make the following changes in relation to MAC4/LDP Policy KP1:

- The Council should further explain and justify the methodology they have used in respect of communal establishments for students as well as other such institutions such as residential care homes as such factors greatly impact upon the demand and supply figures. It is considered that a further review should be undertaken by the Council in accordance with Policy and a further Examination session.

- The Council should be made to further explain why the use of Council Tax data as opposed STATS Wales/JHLAS housing completion data is appropriate when compiling the housing completions data. It is considered that a further hearing session should take place as part of the examination for this purpose.

- It would seem appropriate that the 5-year land supply assessment undertaken as part of the LDP is further considered as part of the examination by means of a specific hearing session for this purpose.

- The proposed housing trajectory set out in the plan highlights a very real risk of under delivery in the early years of the plan such that the Council cannot demonstrate that they will have a 5 year housing land supply on adoption. As such, it is considered that appropriate smaller alternative sites should be identified to remedy this deficiency. The alternative site at Druidstone Road, Old St Mellons (candidate site number AS(N) 12 & 13) should be taken forward and considered as part of this further assessment.

- The 10% flexibility allowance included in Policy KP1 should remain as flexible as possible such that it is able to be taken up by any of the identified strategic sites, or indeed by any other smaller appropriate sites which conform to the policies of the LDP.

PART 4: What Happens Next?

All comments received by the closing date will be forwarded directly to the Inspectors for consideration; noting that they will not receive a response from the Council. Should the Inspectors decide that further hearing sessions are necessary please indicate whether you would want to speak at a session. It is important to note that written comments will be given the same weight by the Inspectors as those made verbally at a hearing session.
4a) Do you want your comments to be considered by ‘written representations’ or do you want to speak at a hearing session?

(Please tick ✓ one of the following)

I do not want to speak at a hearing session and am happy for my written comments to be considered by the Inspector.

I do want to speak at a hearing session.

4b) If you wish to speak, please confirm which part of your representation you wish to speak to the Inspector about and why you consider it to be necessary to speak at the Hearing

To allow detailed discussion of the relevant issues and to ensure the Inspector can be made fully aware of the circumstances in order to avoid misunderstandings.

The Matters Arising Changes Schedule is available on the Council website at: www.cardiff.gov.uk Hard copies are also available for public inspection during the consultation period at: City Hall, Cathays Park and County Hall, Atlantic Wharf, Monday to Friday between 9.00am and 4.00pm. They will also be made available at all local libraries.

Additional Assistance

If you require assistance to complete the form or have any questions relating to your representation please contact:

LDP Team,
Strategic Planning – Policy
Cardiff Council
Room 131
City Hall
Cathays Park
Cardiff
CF10 3ND

Telephone: 029 2087 1297
E-mail: LDP@cardiff.gov.uk
# Tests of Soundness

<table>
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<tr>
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<th>Procedural Tests</th>
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<tbody>
<tr>
<td><strong>P1</strong></td>
<td>It has been prepared in accordance with the Delivery Agreement including the Community Involvement Scheme.</td>
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<tr>
<td><strong>P2</strong></td>
<td>The plan and its policies have been subjected to Sustainability Appraisal including Strategic Environmental Assessment.</td>
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<tr>
<td><strong>Consistency Tests</strong></td>
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<tr>
<td><strong>C1</strong></td>
<td>It is a land use plan which has regard to other relevant plans, policies, and strategies relating to the area or to adjoining areas.</td>
</tr>
<tr>
<td><strong>C2</strong></td>
<td>It has regard to national strategy.</td>
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<tr>
<td><strong>C3</strong></td>
<td>It has regard to the Wales Spatial Plan.</td>
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<tr>
<td><strong>C4</strong></td>
<td>It has regard to the relevant community strategy/ies (and National Park Management Plan).</td>
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<td><strong>Coherence and Effectiveness Tests</strong></td>
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<tr>
<td><strong>CE1</strong></td>
<td>The plan sets out a coherent strategy from which its policies and allocations logically flow and/or, where cross boundary issues are relevant, it is compatible with the development plans prepared by neighbouring authorities.</td>
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<tr>
<td><strong>CE2</strong></td>
<td>The strategy, policies, and allocations are realistic and appropriate having considered the relevant alternatives and/or are founded on a robust and credible evidence base.</td>
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<tr>
<td><strong>CE3</strong></td>
<td>There are clear mechanisms for implementation and monitoring.</td>
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<tr>
<td><strong>CE4</strong></td>
<td>It is reasonably flexible to enable it to deal with changing circumstances.</td>
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</table>
Williams, Helen E (Planning)

From: Darren Parker <Darren.Parker@rpsgroup.com>
Sent: 23 July 2015 12:07
To: Local Development Plan
Subject: FW: Druidstone Road Reps - Messrs R,H,S&M Bogod (Ref. 2473)
Attachments: 150722 MAC4 Comment Form V1.doc

Please see the Matters Arising Changes Representation Form attached.

Regards,

Darren Parker

From: Emma Fortune
Sent: 22 July 2015 10:34
To: Darren Parker
Cc: Andrew Lucas
Subject: Druidstone Road Reps

Hi Darren,

Please find attached the latest reps for Druidstone Road. Do you want me to submit them today or would you like to quickly review them and submit yourself/Andrew submit them tomorrow?

They are saved in JCC6064 – Reports Out – 150722 MAC4 Comment Form V1

Thanks

Emma

Emma Fortune
Principal Planner - RPS Planning & Development
Park House, Greyfriars Road,
Cardiff, CF10 3AF,
United Kingdom
Tel: +44 (0)29 2066 8662
Fax: +44 (0)29 2066 8622
Email: Emma.Fortune@rpsgroup.com
www: www.rpsgroup.com

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