

ResponseMatter24-TheProposed‘East of Luton’Sites-Pt2-CarolynCottier-22Feb2020

Name of Representors: Carolyn Cottier and Linda Cottier

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Title: Response to Matter 24 – the proposed ‘East of Luton’ sites – Part 2

In Part 1 of this paper, we demonstrated that **15,265 better alternatives to the proposed ‘East of Luton’** site already exist as residential planning applications inside the Luton Borough Council planning portal.

So this is unjustified worst-case-scenario still being presented by Luton Council is thus:

Annual need = 890

20 year total = 17,800

Unmet need = 9,300

We have already demonstrated that 15,265 out of this 17,800 “need” is fulfilled by the existing dwelling applications alone. Many of these have already been built as outlined in David Dorman’s papers (written in response to this “NHDC LP Modifications Consultation”). Luton has consistently over-delivered above its stated pace of building.

In any case Total “Need” of 17,800 minus the 15,265 existing/ passed planning applications

Equals a remaining 2535 to find space for.

So what other housing and land options exist to fulfil this modest outstanding number of 2536?

We have still yet to explore:

Luton’s Empty Houses

Luton’s Empty Commercial Properties

Luton’s Empty Properties with Rateable Value Under 10K

Luton’s Empty Properties with Rateable Value Over 10K

Luton’s Brownfield Sites

Press releases and brochures showing extra housing being build/ proposed in and around the HMA

True number of existing planning applications for residential units inside other Council’s planning registry systems

So in this Part 2, we examine only the first five of those above categories; all additional in number to the 15,265.

Additional land announced via any Press releases and brochures that show extra housing being proposed in and around the HMA, as well as the number of existing planning applications for residential units inside other Council's planning registry systems isn't examined here in Part 2 however. We will address these in other papers; to be sent in by other researchers.

Why are these five further sources of land better alternatives than the 'East of Luton' Site?

They are all better alternatives for the following reasons:

- They are brownfield sites and therefore they do not require the demonstration of exceptional circumstances to be statutorily released.
- They therefore do not require resolution of difficulties relating to this.
- There is no need for declassification and down-grading of any Green Belt to get them approved.
- Indeed as 15,265 already exist as planning applications for residential developments, many of these sites have already had permission granted or have already been built.
- There are also some significant additional brown field sites that are listed upon the Luton Brownfield Register but which are yet to have any planning applications attached to them. So these are still available and have not already been listed amongst our 15,265 listings from the Planning Portal previously.
- There are such a large number that they fulfil well in excess of Luton's stated total housing need.

Section 1: Empty Houses

Does the National Planning Policy Framework encourage the identification of empty housing and commercial buildings?

The answer is YES.

In NPPF 51 it states that Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies.

NPPF 51 also goes so far as to say that LPA should where appropriate, acquire properties under compulsory purchase powers.

It also states in this paragraph that the LPA should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

So we will now look at how many Empty Residential Properties Luton has and what figures are also given in Luton's Empty Housing Strategies for them having been brought back into use.

Luton Borough Council Empty Homes Strategy 2015-2020 unhelpfully doesn't have a publication date, but in amongst the contents on page 8 (not that the pages are numbered - how sloppy can councils get?) - para 2.13 it states that in March 2015 there were 987 empty properties in Luton of which 173 had been empty for 6 months. It further states that this was lower than the Feb 2014 figure which was 1,385.

Luton Borough Council Empty Homes Strategy 2015-2020

Is available here:

<https://www.luton.gov.uk/Housing/Lists/LutonDocuments/PDF/Appendix%20A%20-%20New%20Empty%20Homes%20Strategy.pdf>

In the current 2019-2022 Housing strategy paper published by LBC there is a small paragraph on empty homes which states:

"We estimate that there were 427 homes in Luton in October 2018 which had been empty for at least six months. Empty Homes have always been a part of Luton's housing policy, and we aim to bring 20 homes per year back into use through liaison with owners and use of local government powers such as compulsory purchase and empty dwelling management orders. The current Empty Homes Strategy is being updated."

So since the figure given in 2019-2022 is merely an estimate and inquiries revealed that Luton did not have any more recent Empty Housing List than the one produced in 2012 [This list is sent as part of our "Resource and Reference Library" via email as far too lengthy to print].

We choose to take the former figure of 1,385 from February 2014 as it is apparently not an estimate.

So it does seem that the number of empty homes is decreasing, partly by some actions from LBC which aims to refurbish around 20 homes a year, and partly through actions by other organisations e.g. (I imagine) private landlords etc.

I wrote on the 12th of February to Cllr Tom Shaw the Housing Portfolio Manager for Luton Council, asking him for the latest Empty Housing Register.

See the attached Appendix for copies of this correspondence.

The conclusion that was derived from this exercise, was that Council could not offer a more updated version of the Empty Housing Register than the one they had issued as part of the answer to a Freedom of Information Request back in July 2012.

In “FOI 165 empty properties-(LBC-FOIR17Jul2012)” there were listed by address and postal code a total of 722 empty properties.

Section 2: Empty Commercial Properties

We will now move onto to explore what alternatives are available by way of;

Luton’s Empty Commercial Properties

Luton’s Empty Properties with Rateable Value Under 10K

Luton’s Empty Properties with Rateable Value Over 10K

There are downloadable spreadsheets on this Council’s website. Below is pasted directly from that page.

<https://www.luton.gov.uk/Business/Business%20rates/Pages/Empty-properties-and-rateable-value-reports.aspx>

Empty properties and rateable value reports

We receive a high volume of Freedom of Information requests for information relating to business accounts in credit, rate relief and empty properties (with rateable values).

So that we can reduce the number of requests processed we are now making the data available on this page.

However, please note following an Information Commissioner's Office (ICO) decision in February 2017, we will no longer be publishing data in relation to accounts in credit.

The information will be available quarterly. The data is currently as at 2 December 2019.

We also receive requests for ratepayers / occupancy of commercial properties.

These requests will no longer be dealt with under the Freedom of Information Act as they are deemed to be business as usual requests.

Such requests can be made by emailing revenues@luton.gov.uk.

Downloads



 [Empty commercial properties \(474.5 kB \)](#)

 [Commercial properties with a rateable value under 10k \(including reliefs\) \(1.4 MB \)](#)

 [Commercial properties with a rateable value over 10k \(including reliefs\) \(1.3 MB \)](#)

<https://www.luton.gov.uk/Business/Lists/LutonDocuments/Excel/Empty-commercial-properties.xls>

[https://www.luton.gov.uk/Business/Lists/LutonDocuments/Excel/Commercial-properties-with-a-rateable-value-under-10k-\(including-reliefs\).xls](https://www.luton.gov.uk/Business/Lists/LutonDocuments/Excel/Commercial-properties-with-a-rateable-value-under-10k-(including-reliefs).xls)

[https://www.luton.gov.uk/Business/Lists/LutonDocuments/Excel/Commercial-properties-with-a-rateable-value-over-10k-\(including-reliefs\).xls](https://www.luton.gov.uk/Business/Lists/LutonDocuments/Excel/Commercial-properties-with-a-rateable-value-over-10k-(including-reliefs).xls)

There are **1,456** properties listed in the first Empty Commercial Properties List and they are of various sizes.

Additionally there **3,376** Empty Commercial Properties with Rateable Value under £10,000. Additionally again there are **2412** Empty Commercial Properties with Rateable Value over £10,000.

All would hold more than one dwelling within them, especially the much larger properties with rateable value over £10,000 – these will hold many dwellings.

The exact sizes and how many dwellings each could be converted into, should be as part of this Hearing since it relates to the soundness issue of the OAN and Luton's "need".

Leaving it unexplored is allowing the HELAA to remain unmade.

And leaving the HELAA unmade is to allow the Plans for both Luton and by default NHDC, to be uninformed, inaccurate and out-of-date.

We should at the very least know the overall number.

SECTION 3: The Brownfield Land Register December 2019

Brownfield Land Register

December 2019

Local Plans Team | Place and Infrastructure 2 of 16 Brownfield Land Register v1.0 – December 2019

They say that the Local Plans Team for Place and Infrastructure have already applied filters and that any of the sites listed upon the Brownfield Register would have already met the following criteria:

"Site Selection

The 2019 Strategic Housing Land Availability Assessment (SHLAA) was used to identify relevant land. This is the source recommended by national guidance on the production of brownfield land registers.

All of the sites from its appendix 2 were filtered to select those that met all of the following criteria:

1. comprise previously developed (brownfield) land
2. assessed as being suitable for residential development and
3. available now or have a reasonable prospect of becoming available in the next 15 years
4. achievable now or have a reasonable prospect of becoming achievable in the next 15 years "

Part 1 of the Brownfield Register lists how many dwellings could fit upon the land sites from minimum to maximum dwelling capacity. Luton has chosen not to disclose Part 2 of the register however, so there are even more hidden in there!

Of those disclosed, the number of dwellings is stated as being **from 6050 to 6670**.

Although there are a total of 107 sites upon the brownfield register with dwelling capacity totalling **from 6050 to 6670**, many sites have planning portal reference numbers attached to them already.

I have not gone through these and checked them individually up against our residential planning application list and seen whether or not these brownfield sites are already listed in the Luton Planning portal as we listed it.*

Therefore I have simply removed them all, *until such a time as I can check, and left only the ones that have NO planning reference number. As we know these ones are not in the Luton Planning portal and therefore cannot be upon our previous “15,265 list”.

In any case the Brownfield sites we know have definitely not yet been included are extracted in the table below; and they offer capacity for a further **596 to 658 dwellings**.

SiteReference	SiteNameAddress	Hectares	NetDwellings RangeFrom	NetDwellings RangeTo
SHLAA138	High Town Block C, Midland Road Passage	0.16	6	7
SHLAA148	Station Quarter	1.48	375	413
SHLAA175	Car Parks on Dunstable Place	0.29	41	45
SHLAA180	Dalroad Industrial Estate	0.79	32	35
SHLAA190	Extension to Mall	2.4	35	39
SHLAA482	High Town plot 7	0.16	27	30
SHLAA485	High Town plot 5B	0.13	21	23
SHLAA497	High Town plot 6B	0.11	18	20
SHLAA504	High Town plot 9	0.2	9	10
SHLAA577	Berry Leys garage courts	0.22	11	12
SHLAA578	Oatfield Close garage courts	0.15	5	6
SHLAA583	Easingwold Gardens garage courts	0.22	11	12
SHLAA611	Garage court rear of 59 Mangrove Road	0.1	5	6
			596	658

CONCLUSION

Luton Borough Council has claimed to have need for 17,800 houses in total over the Plan’s 20 year period.

We have produced statements to show how and why these figures are hugely over-inflated.

Their Unmet Need figure of 9,300 is also grossly wrong.

For further discussion of this problem and views upon it, which this author fully supports, see David Doorman's four papers entitled below:

Response to Inspector ED171 ANALYSIS OF OAN needs based on 2016 ONS - APPENDIX 1 HOUSING PROJECTION

Response to Inspector ED 178 MATTER 22

RESPONSE TO INSPECTOR ED173

APPENDIX A OAN COMPARISONS ACROSS AUTHORITY AREAS

Our opinions are formed by conducting thorough in-depth research. We have established that Luton's housing numbers are inaccurate, exaggerated, not up-to-date and without firm demonstrable material basis.

They are at best blind estimations.

However you are now holding more robust evidence that has been produced and which renders the previous NHDC and Luton estimations obsolete.

The Inspector for the Luton Plan 2011-2030 agreed and ordered another AON study be carried out and he was in his right mind to order this.

I can confirm without doubt now, that this has not been done - in spite of the fact that Luton's Adopted Plan is already being reviewed currently.

See Luton Council employee for Place and Infrastructure, Laura Church's statement in Part 3's Appendixes admitting that a reviewed AON Study has never been undertaken since the old version back in 2015, and that the Luton Local Plan's Review has already occurred without it.

So the worst-case-scenario still being presented by Luton Council is thus:

They say they have:-

An Annual Need = 890

A 20 Year Total Need of = 17,800

An Unmet Need = 9,300

But we have produced the evidence showing there is no unfulfilled need. Hence we have negated the validity of this false claim.

In turn we have disproven the existence of any exceptional circumstances existing to warrant declassification of the 'East of Luton' Green Belt to make way for the 'East of Luton' Site.

Our final summary of Luton's own alternative sites meeting Luton's own needs are as follows:

OPTION A: Using the LBC Housing Strategy 2015-2020 empty housing figures

Source of Additional Sites	Number/ dwellings
Existing/ passed Luton planning applications	15,265
Existing empty homes not yet brought back to habitation (LBC Housing Strategy 2015-2020)	997
Empty Commercial Properties of various sizes	1456
Empty Commercial Properties with Rateable Value under £10,000	3376
Empty Commercial Properties with Rateable Value over £10,000	2412
Dwellings upon Brownfield sites NOT in planning portal	596 to 658
TOTAL PROPERTIES AVAILABLE:	24,102 – 24,164
Unmet Need	0
<u>EXCESS ABOVE STATED 17,800 NEED</u>	<u>6302 - 6364</u>

OPTION B: Using the LBC empty housing figures from February 2014

Source of Additional Sites	Number/ dwellings
Existing/ passed Luton planning applications	15,265
Existing empty homes not yet brought back to habitation (LBC Empty Housing Strategy figure for Feb 2014)	1385
Empty Commercial Properties of various sizes	1456
Empty Commercial Properties with Rateable Value under £10,000	3376
Empty Commercial Properties with Rateable Value over £10,000	2412
Dwellings upon Brownfield sites NOT in planning portal	596 to 658
TOTAL PROPERTIES AVAILABLE:	24,490 – 24,552
Unmet Need	0
<u>EXCESS ABOVE STATED 17,800 NEED</u>	<u>6690 - 6752</u>

OPTION C: Using the LBC “FOI 165 empty properties-(LBC-FOIR17Jul2012)” that were listed by address and postal code totalling 722 empty properties.

Source of Additional Sites	Number/ dwellings
Existing/ passed Luton planning applications	15,265
Existing 722 empty homes not yet brought back to habitation “FOI 165 empty properties-(LBC-FOIR17Jul2012)”	722
Empty Commercial Properties of various sizes	1456
Empty Commercial Properties with Rateable Value under £10,000	3376
Empty Commercial Properties with Rateable Value over £10,000	2412
Dwellings upon Brownfield sites NOT in planning portal	596 to 658
TOTAL PROPERTIES AVAILABLE:	23,827 – 23,889
Unmet Need	0
<u>EXCESS ABOVE STATED 17,800 NEED</u>	<u>6027 - 6089</u>

All Three Options A-C Displayed as a Table:

Total Available Dwelling/ Spaces	No./ dwellings IN EXCESS of 17,800	The Varying Luton Empty Housing Figure Sources
24,102 – 24,164	<u>6302 - 6364</u>	OPTION A - LBC Housing Strategy 2015-2020
24,490 – 24,552	<u>6690 - 6752</u>	OPTION - Empty Houses February 2014
23,827 – 23,889	<u>6027 - 6089</u>	OPTION C - Empty Properties- 17Jul2012

So finally in answer to the original questions.

Qu: What housing capacity does Luton have already within its own border?

Answer: There is total capacity for between 23,827 to 24,552 dwellings AT LEAST. I am also sure we could find further overlooked space if we had more time to search.

Qu: What alternatives to the “East of Luton” Sites exist within Luton’s own border?

Answer: There is alternative space for all of Luton’s sites. There is actually additional capacity for 6027 to 6752 dwellings in excess of the 17,800.

Qu: Where are such alternatives?

Answer: The alternatives are all within Luton's own borders.

Qu: Is Luton's current capacity of ratio to need, already enough to stall any legitimate request to over-spill into neighbouring territory?

Answer: Yes there is capacity within Luton's own borough, so any persistent offer to meet Luton's Unmet Need is a spurious and illegitimate offer.

Since there is no justification for any overspill into neighbouring areas because Luton has excessive land and sites to accommodate its own claimed need for the Plan period and well beyond.