

INDEPENDENT EXAMINATION OF THE CHELMSFORD DRAFT LOCAL PLAN

INSPECTOR'S MATTERS, ISSUES AND QUESTIONS

WEEK 2 HEARING SESSIONS (version 2)

Inspector – Mrs Yvonne Wright BSc(Hons) DipTP MSc DipMS MRTPI

Programme Officer –Ms Andrea Copsey Tel: 07842 643988

Introduction

This is a revised version of my matters, issues and questions (MIQs) for **WEEK 2** of the hearings which now include most of **Matter 6 – Housing Provision** (except Matter 6c which will now be discussed during Week 3) and **Matter 7 – Employment and Retail Development**. The draft timetable for Week 2 hearing sessions has also been revised.

My MIQs should be read in conjunction with the Week 2 Guidance Note which can be found on the Examination website. This gives information about the examination, hearings and format of further written statements.

As part of the examination I will also be considering whether any of the Council's proposed Schedule of Additional Changes (2018) (SD002) and Schedule of Minor Changes (SD003) are necessary for reasons of legal compliance or soundness and should therefore be main modifications. Where relevant these will be discussed in the hearing sessions.

Matter 7 – Employment and Retail Development

Main issues – Whether the Plan sets out a positively prepared strategy for the delivery of employment land and retail development to meet identified needs within the Chelmsford area, that is justified and effective. Whether the policies for employment sites, the city centre, town centre and neighbourhood centres are sound?

Context

The Council's 'Delivering Economic Growth in Chelmsford to 2036' report (EB076) and the June 2018 update (EB080) states that between 2014-2036 16,675 new jobs will be needed, equating to a requirement of 725 jobs a year. The evidence suggests that these new jobs will be potentially delivered as follows:

- 5,349 through delivery of new employment space at 4 locations during the Plan period consisting of 55,000 sqm employment floorspace and 13,400 sqm retail floorspace;
- 3,333 through an existing commitment for 40,000 sqm of new office floor space at the Greater Beaulieu Business Park;
- 4,737 through existing vacant floorspace;
- 3,197 through other existing commitments; and
- 1,600 through increases in self-employment (70 jobs per year).

The Chelmsford Retail Capacity Study 2015 (EB077) identifies *'capacity to support up to 4,500sqm net large-format convenience floorspace in Chelmsford by 2020, growing to up to 6,700 sqm by 2025...'* with capacity *'...peaking at up to 11,500 sqm net by 2036'*. In addition it suggests a modest amount of surplus convenience floorspace capacity at South Woodham Ferrers of around 1,900 sqm net by 2036.

Requirements

41. Does Strategic Policy S8 clearly set out the employment requirements and will it ensure that the Plan meets the objectively assessed employment needs identified? Does the 55,000 sqm of employment land take into account any employment land lost to other uses in recent years?
42. Does Strategic Policy S10 accord with paragraph 154 of the Framework which states that local plans should only include policies that provide a clear indication of how a decision maker should react to a development proposal, identifying what will or will not be permitted and where? How will the principles in the policy *'underpin the approach to economic growth and diversification'*? Are they justified and consistent with national policy?
43. Does Strategic Policy S8 clearly identify the retail development needs for the Plan period? Are the requirements based on credible evidence and are they justified and deliverable?

Employment Land Supply

44. Strategic Policy S9 identifies a total of 9,000 sqm of net new employment floorspace in GA1. Is this provision justified and are the site allocations sound?
 - a. 4,000 sqm is to be provided in Location 1 (previously developed sites in Chelmsford Urban Area). Where is this allocated?
 - b. 5,000 sqm of B1 office/business park floorspace is allocated in Strategic Site 3b in Location 3 (Land north of Maldon Road). The supporting text also refers to the provision of other complementary B use classes as part of the allocation. Should this be made clear within the policy?
45. Strategic Growth Site 1a consists of 6 sites and in addition to residential development refers to *'an element of non-residential development'*,

'integration of flexible workspace facilities' and a *'commercial interface'*. Is it clear to a decision-maker what this means and what type of development would be acceptable in this location?

46. Strategic Policy S9 identifies an existing commitment for 40,000 sqm of office and business floorspace in GA2.
- Is the policy allocating this existing commitment?
 - An additional 45,000 sqm of employment floorspace is allocated in Strategic Growth Site 4 within the new Garden Community. Is this allocation and the requirements of the policy for employment justified?
47. Strategic Policy S9 identifies 1,000 sqm of flexible business space at GA3 in Location 7 South Woodham Ferrers. Is the policy clear on what *'flexible business floorspace'* is? Is this allocation and the requirements of the policy for employment justified?
48. Strategic Policy S10 states that existing employment areas are identified on the Policies Map. Are these the Employment Areas and Rural Employment Areas referred to in Policy EM1? Is the wording in the policies consistent? Have these sites and their boundaries been appropriately assessed and selected and are they justified?
49. Policy EM1 seeks to protect employment uses within Employment Areas, Rural Employment Areas and new employment sites.
- Whilst Employment Areas and Rural Employment Areas are shown on the Policies Map are these designations and if so, in which policy is this set out?
 - In circumstances where there is no reasonable prospect of a site being used for employment, does the policy allow sufficient flexibility for considering alternative uses, in accordance with paragraph 22 of the Framework?
 - What would be the circumstances against which such a judgement would be made and is this clear to a decision-maker?
 - Is it appropriate to restrict Class A use classes in considering redevelopment or change of use for such sites?
 - Is the policy effective and justified and consistent with national policy?
50. Will the Plan ensure that Chelmsford's need for jobs and employment land are met? Will an adequate quantity and range of land be made available?

Special Policy Areas

51. The Plan designates 6 Special Policy Areas (SPA) outside the built-up areas as defined in Strategic Policy S9, Policies SPA1-SPA6 and on the Policies Map.
- a. Is the Plan clear on how SPA designation will be used to support functional and operational requirements at these locations?
 - b. Is it appropriate for Policy SPA1 to require the proposed development at Strategic Growth Site 6 to provide an access road to the hospital from Main Road? What safeguarded route is referred to within the SPA and is this justified?
 - c. Both the Hanningfield Reservoir SPA and Writtle SPA lie within the Green Belt. Are the designations and policy requirements in Policy SPA3 and SPA6 consistent with national policy on Green Belt?
 - d. Are the Sandford Mill SPA designation and policy requirements in Policy SPA5 consistent with its location within a Green Wedge designation?
 - e. Overall are the SPA designations and their boundaries sound? Are any changes, such as those proposed by the Council in SP002, necessary for soundness?

Retail development and role of centres

52. Does the Plan clearly set out where the new retail development is to be located and is this justified by robust evidence?
53. In relation to Strategic Policy S14 and Policy EM2:
- a. Is the retail centre hierarchy set out in Strategic Policy S14 justified by the evidence?
 - b. Is the Council's approach to centre boundaries, primary shopping areas and frontages justified and consistent with national policy? On what basis have the boundaries of these areas been defined? Do the policies make clear which uses will be permitted in which locations? Are the criteria set out in Policy EM2 sound?
 - c. Paragraph 6.87 of the Plan indicates that main town centre uses outside the designated centres will be considered in accordance with the Framework, including use of the default threshold of 2,500 sqm gross floorspace. However it also states that an impact assessment below this threshold may be required under certain circumstances. Should this be set out in policy? Is it necessary to include a policy differentiation between out of centre and edge of centre retail development?
 - d. Some of the site allocations (such as Strategic Growth Site S2) refer to neighbourhood centres as supporting on-site development. Are these

new designated centres and if so is this clear and reflected within the hierarchy set out in Strategic Policy S14 and Policy EM2?

Matter 6 - Housing Provision

Main issue –Whether the identified housing requirement is sound and whether the Plan sets out a positively prepared strategy for the supply and delivery of housing development that is justified, effective and consistent with national policy

Housing requirement

54.Strategic Policy S8 identifies the housing requirement for the Plan period as a minimum of 18,515 net new homes (average of 805 dpa). Will it ensure that the Plan meets the full objectively assessed housing needs identified in the SHMA? Will it significantly boost housing supply in accordance with the Framework?

Site selection process

- 55.Is the methodology for housing site assessment and selection as set out in the Strategic Land Availability Assessment (SLAA) documents EB072A to EB072G sound?
- Do the 'absolute constraints' and criteria for suitability, deliverability and achievability accord with national planning policy and guidance and are they justified (EB072B and EB072C)?
 - Are the SLAA site assessments robustly evidenced?
 - Are the reasons for selecting sites and rejecting others clear?
 - How has the SA informed the site selection decisions?

Housing Supply

- 56.The Plan in Strategic Policy S8 identifies a total land supply for 21,893 new dwellings during the Plan period. It includes completions since 2013, commitments, site allocations and a windfall allowance.
- Does the level of supply provide sufficient head room to enable the Council to react quickly to any unforeseen change in circumstances and to ensure that the full requirement is met during the Plan period?
 - Does the Council's assessment of windfall allowances (EB067) provide compelling evidence that such sites will continue to provide a reliable source of housing land supply during the Plan period? Are the allowance levels justified and are they consistent with national policy and guidance?
- 57.Appendix C of the Plan sets out the development trajectories which indicate that deliverability of sites for housing is based on developers' projected

build out rates and information from site promoters for years 2017/18 to 2021/22.

- a. Are these rates achievable?
- b. How has deliverability of sites beyond 2021/22 been assessed and are they realistic?
- c. Does the trajectory reflect the time needed for allocated sites, particularly the large strategic growth sites, to produce a masterplan (where required), gain planning permission, agree any necessary planning obligations and provide for any facilities? *(Also see below for specific questions for site allocations within the Growth Areas)*

58. It is not clear whether some of the site allocations within the Plan are 'policies' as they are not referred to as such, except Policy GR1. Should all the site allocations clearly state that they are policies for clarity and effectiveness?

59. Existing residential development commitments (*EC1, EC2, EC3, EC4 and EC5*) are identified within the Plan as sites with and without planning permission. Whilst the latter are sites that are currently allocations within the Council's existing Local Development Framework (LDF) as they do not yet have planning permission is calling them 'commitments' or 're-allocations' appropriate? Will existing allocation policies from the LDF remain in place should this Plan be found sound or will they be superseded? If the former, why are the sites included within this Plan? If the latter, are the inclusion of these sites within this Plan based on robust evidence? Are there any particular reasons why the sites have not delivered housing under the LDF?

Five year housing land supply

60. In relation to the five year housing land supply (5YHLS):

- a. Is the Council's 5YHLS methodology (EB066) justified and consistent with national policy?
- b. Does the delivery of a surplus 73 dwellings against the Plan's housing requirement since 2013 justify a 5% additional buffer?
- c. Is the identification of a 7.7 year housing land supply by the Council in EB065 justified and based on robust evidence of housing supply?
- d. Overall, will the housing provision have a reasonable prospect of delivering a 5YHLS at the point of adoption of the Plan?

61. Is there sufficient flexibility in the housing trajectory to ensure that housing land supply within the Plan area will be maintained and will deliver the housing requirement of Strategic Policy S8?

Matter 6a - Housing Provision in Growth Area 1 – Central and Urban Chelmsford

Main issue – Whether the supply of housing development in Growth Area 1 – Central and Urban Chelmsford (GA1) is sound

62. Are the housing site allocations in GA1 within Location 1: Chelmsford Urban Area, Location 2: West Chelmsford and Location 3: East Chelmsford justified and deliverable? Are there any soundness reasons why they should not be allocated? In particular:
- a. Is the scale of housing for each site allocation, particularly the large Strategic Growth Sites, justified having regard to any constraints, existing local infrastructure and the provision of necessary additional infrastructure?
 - b. Is the housing trajectory realistic and are there any sites which might not be delivered in accordance with the timescale set?
 - c. Are the planning and masterplanning principles justified?
 - d. Are the specific development and site infrastructure requirements clearly identified for each site allocation, are they necessary and are they justified by robust evidence? Is any other infrastructure necessary for site delivery?
 - e. Are the site boundaries for the allocations justified?
 - f. Will the site allocations in these locations achieve sustainable development?
 - g. Are any amendments necessary to the policies to ensure soundness?
63. Policy GR1 allocates Growth Sites within the Chelmsford Urban Area. Growth Sites 1i-1v list objectives/criteria.
- a. Are the Growth Sites policies? Do they clearly set out what development will or will not be acceptable within the site and would this be clear to a decision-maker? Is reference to safeguarded land and phasing justified?
 - b. Is the potential for student accommodation on Growth Site 1k justified and would this be in addition to or instead of the 'around 75 new homes'?
64. What is the purpose of the Opportunity Sites OS1a and OS1b? Why are they called opportunity sites? Do they set out site specific objectives or are they policy requirements? Do they clearly set out what development will or will not be acceptable within the site? Is reference to safeguarded land and phasing justified?

Matter 6b - Housing Provision in Growth Area 2 – North Chelmsford

Main issue –Whether the supply of housing development in Growth Area 2 – North Chelmsford (GA2) is sound

65.Are the housing site allocations in GA2 within Location 4: North East Chelmsford, Location 5: Great Leighs and Location 6: North of Broomfield justified and deliverable? In particular:

- a. Is the scale of housing for each site allocation, particularly the large new Garden Community for North East Chelmsford and the other Strategic Growth Sites, justified having regard to any constraints, existing local infrastructure and the provision of necessary additional infrastructure?
- b. Is the housing trajectory realistic and are there any sites which might not be delivered in accordance with the timescale set?
- c. Are the planning and masterplanning principles justified?
- d. Are the specific development and site infrastructure requirements clearly identified for each site allocation, are they necessary and are they justified by robust evidence? Is any other infrastructure necessary for site delivery?
- e. Are the site boundaries justified?
- f. Will the site allocations in these locations achieve sustainable development?
- g. Are any amendments necessary to ensure soundness?

Please note that Matter 6c - Housing Provision in Growth Area 3 – South and East Chelmsford will now be discussed during Week 3

Matter 6d - Housing Provision - Affordable housing

Main issue –Whether the approach towards the provision of affordable housing is sound

66.Are the requirements for affordable housing set out in Policy HO2(A) justified, effective and consistent with national policy? In particular:

- a. Does the evidence support a requirement for 35% affordable housing for all new residential development that meets the criteria in the policy? On what basis has the figure of 35% been chosen and does the evidence support a lower figure of 23% or 30%?
- b. Are the criteria for considering the suitability of affordable housing within schemes clear and justified?
- c. Paragraph 8.13 states that the Council may consider a financial contribution in lieu of on-site affordable housing provision in certain circumstances and reference is made to the Planning Obligations SPD 2018 (EB133). Should this approach be set out in the policy? Is it clear

- how and where off-site affordable homes will be delivered and what mechanism will be used to determine the commuted sum levels?
- d. Has the impact of affordable housing on the viability of schemes been assessed? Is there sufficient flexibility in circumstances where there may be a lack of viability to deliver all the affordable housing within a scheme?

67. Is the rural exception sites part B of Policy HO2 justified and effective? Does the evidence support such sites only within 'Designated Rural Areas' or should it apply to the 'Rural Area' as defined in Strategic Policy S13? Is it compliant with paragraph 54 of the Framework?

Matter 6e: Gypsy, traveller and travelling showpeople housing provision

Main issue – Whether the Plan makes adequate provision for the housing needs of gypsies, travellers and travelling showpeople and whether the approach is sound

68. Does the Plan provide for the housing needs of gypsies, travellers and travelling showpeople?
69. Strategic Growth Site 2 in GA1 includes a requirement for the provision of 5 serviced plots for travelling showpeople. Is this provision sound and will it be sufficient to meet the identified need in this location?
70. Is the provision of 9 serviced plots for travelling showpeople at Strategic Site 4 in GA2 based on robust evidence and will the number of plots be sufficient to meet the identified need in this location?
71. Is the gypsy and traveller site allocation GT1 at Drakes Lane, Little Waltham for 10 permanent pitches justified and consistent with national policy and are the site requirements appropriate? Will the number of pitches be sufficient to meet the identified need in this location?
72. Does Policy HO3 set out clear and reasonable policy criteria to make decisions on relevant planning applications and are they sound? Does the evidence support the provision that sites should not exceed 10 pitches or plots? Should the policy refer to the specific site allocations within the Plan?

Yvonne Wright

Planning Inspector