

# EXAMINATION STATEMENT – MATTER 6

## Chelmsford Local Plan

Representations on behalf of  
Redrow Homes  
(ID: 927695)

November 2018

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**CHELMSFORD LOCAL PLAN**

**REPRESENTATIONS ON BEHALF OF  
REDROW HOMES (ID: 927695)**

**NOVEMBER 2018**

<b>Project Ref:</b>	24610/A3
<b>Stratus</b>	Final
<b>Issue/Rev:</b>	01
<b>Date:</b>	15 November 2018
<b>Prepared by:</b>	DM/JF
<b>Checked by:</b>	JF/HE
<b>Authorised by:</b>	HE

Barton Willmore  
The Observatory  
Southfleet Road  
Ebbsfleet  
Dartford  
Kent  
DA10 0DF

Tel: 01322 374660  
Email: [david.maher@bartonwillmore.co.uk](mailto:david.maher@bartonwillmore.co.uk)

Ref: 24610/A3/HE/DM/cg  
Date: 15 November 2018

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## 1.0 INTRODUCTION

1.1 This Statement has been prepared by Barton Willmore LLP on behalf of our Client, Redrow Homes, who has an interest in the land to the east of Great Baddow and west of the A12 that forms the following emerging strategic allocations at proposed Growth Area 1 “Central and Urban Chelmsford” (Location 3) in the draft Local Plan:

- Strategic Growth Site 3b - Land North of Maldon Road (employment site);
- Strategic Growth Site 3c - Land South of Maldon Road (residential site); and,
- Strategic Growth Site 3d - Land North of Maldon Road (residential site).

1.2 Representations have been made on behalf of our Client throughout the production of the Local Plan. Our representations to the Regulation 19 Pre-Submission draft Local Plan related to the above proposed allocations as well as additional land to the east of Growth Site 3c and west of the A12 (labelled as ‘Site 3e’ in our representations). The representations included a Development Vision Document to explain the masterplan and vision for this land to create an attractive and sustainable new neighbourhood.

1.3 Notwithstanding the land interests of our Client, these representations have been prepared in recognition of prevailing planning policy and guidance, in particular the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).

1.4 The Local Plan was submitted prior to the revised 2018 NPPF and is therefore being examined under the 2012 NPPF. Reference is therefore made to the 2012 NPPF in responses to the Inspector’s questions, unless otherwise stated. These representations respond to the Inspector’s questions within Matter 6 and have been considered in the context of the tests of ‘Soundness’ as set out at Para 182 of the NPPF which requires that a Plan is:

- **Positively Prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where reasonable;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternative, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities;
- **Consistent with National Policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

## 2.0 RESPONSE TO 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.

### *Question 55. Site selection process*

*Is the methodology for housing site assessment and selection as set out in the Strategic Land Availability Assessment (SLAA) documents EB072A to EB072G sound?*

- a. 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)?*
- b. Are the SLAA site assessments robustly evidenced?*
- c. Are the reasons for selecting sites and rejecting others clear?*
- d. How has the SA informed the site selection decisions?*

- 2.1 The methodology for the housing site assessment and selection of sites as set out in the SLAA is considered to be sound. This includes a “policy-on” assessment of sites for which a number have been discounted due to constraints – in particular Green Belt.
- 2.2 The SLAA then carries a “policy-off” assessment of discounted sites, to ascertain if any “policy-on” sites could be positively considered in the context of being “suitable, available and achievable” as against National policy.
- 2.3 We do not have objections to this approach, nor do we object to the assessment criteria within the SLAA, which includes considerations relating to matters including access, sustainability, and flood risk, etc in terms of “suitability”. It is noted that the entire land as promoted by Redrow (CFS99, CFS100 and CFS101) performs well against these criteria in addition to “availability” and “achievability” criteria.
- 2.4 The answer to part c of the question, however remains unclear to us. As per our response to Matter 1, the SA is considered sound where it considers broad/spatial options for growth and provides reasons for both selecting the preferred option and discounting the alternative options appraised.

- 2.5 In this context, we support the selection of the sites at Location 3 as including Sites 3b, 3c and 3d. It is however unclear to us why the additional Redrow land east of 3c (referred to by us as “Site 3e”) has not been included as part of the overall Location 3 allocation. See attached Redrow Land Parcel Plan at Appendix 1.
- 2.6 The Site 3e parcel is located within part of CFS100 – this includes all of the Redrow land extending from Molrams Lane (west) to Brick Kiln Road (east) and which includes the allocated Site 3c. The SA provides a positive assessment of this land for which we support but it is unclear as to why the allocation only extends to approximately half of the Site.
- 2.7 The SA appraisal for the remaining parcel of 3e (CFS99) as extending from Brick Kiln Road (west) to the A12 (east) includes negative commentary on this parcel (see page 413) in terms of potential for impacts upon heritage (character and setting) as well as potential effects upon landscape and townscape character.
- 2.8 These assessments are at odds with other earlier aspects of the Evidence Base including the SLAA and Landscape Capacity Assessment (LCA), which both confirm the suitability of the site.
- 2.9 It should be noted that the LCA confirms that the Site (CFS99) has medium - high landscape capacity to accommodate growth, i.e. good capacity for growth. The LCA concludes the following for this parcel:

**Parcel judged to have moderate landscape sensitivity, low value and medium to high landscape capacity for low rise residential/employment development. Capacity is subject to careful siting/design of development in keeping with the character of the existing residential properties at Sandon, in particular, employing extensive tree planting as a framework for development which ties into the wooded landscape to the east.**

- 2.10 The SA also does not seem to have regard to the extensive promotional material submitted during the consultation stages including technical heritage and landscape input that demonstrates that appropriate “buffering” could be secured to Sandon Conservation Area to the south as well as to Grace’s Cottage (Listed Building) along Brick Kiln Road. Moreover, the proposed “buffering” area has other potential benefits including extensive opportunities for open, recreation and play space provision; improved connectivity between Great Baddow and Sandon; and opportunities for biodiversity enhancements and management.

- 2.11 In terms of “part d” of the question, the SA does then go on to make decisions on sites as against the complete set of SA criteria including, *inter-alia*, matters relating to biodiversity, housing, economy, heritage, landscape, etc as against a “Red, Amber, Green” methodology.
- 2.12 Our fundamental objection to this relates to the assessment of site CFS99 in terms of heritage and landscape considerations for which the Site is considered to perform well against within other elements of the Council’s evidence base. The SA is considered to contradict its own Evidence Base in this regard.

***Question 56. 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.***

- a. 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?***
- b. 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?***
- 2.13 The overall planned figure (21,893 units) amounts to an 18% buffer above the total Objectively Assessed Need (18,515 units) during the Plan period. We recommend that the Plan seeks to achieve a 20% buffer in order to provide sufficient headroom to react to any unforeseen changes in circumstances.
- 2.14 This could include potential delays in delivery of sites that are dependent upon large scale infrastructure coming forward prior to development. Delays could also occur at sites such as at North Chelmsford, which comprises existing quarries and the extent of extraction and backfilling may push back the timetable for the proposals coming forward.
- 2.15 We would therefore recommend that the Plan provides for, at least, an additional c.350 dwellings in order to provide the full 20% buffer in accordance with the NPPF. This could be allocated at Redrow land “Site 3e”, which has been identified in the SLAA as “suitable”, “available” and “deliverable” and which could come forward within the first five years of the Plan.

- 2.16 This would afford greater flexibility in terms of meeting housing needs and which is particularly important in having regard to potential delivery/lapse rates at other permitted and allocated sites as well as potential for windfall sites not coming forward as envisaged.

***Question 57. Housing Supply***

***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)***
- 2.17 We comment here only on the housing development trajectory where it relates to the Redrow land (Sites 3c and 3d).
- 2.18 We support the development trajectory and consider that development could commence at Sites 3c and 3d within the identified timescale - from 2020/21. This allows ample time for agreement on masterplanning principles, dealing with planning application(s), discharging conditions and site assembly. The main infrastructure requirement is the provision of a roundabout (at Maldon Road/Sandford Mill Lane) which is also achievable within the identified timeframe – temporary site access solutions could be secured should the roundabout delivery extend beyond 2020/21.
- 2.19 The Council's trajectory for Sites 3c and 3d is as follows and for which we support:

**Table 1: Local Plan Trajectory for Sites 3c and 3d (inc Affordable Housing)**

	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>Total</b>
Site 3c	30	50	20	100
Site 3d		50		50



- 2.20 As above, the additional Redrow land (Site 3e) could deliver c. 350 dwellings. The land is physically linked to Site 3c and could also be delivered in the short-term as aligned to the delivery timescales above. We set out below our delivery trajectory for Site 3e:

**Table 2: Redrow's Delivery Trajectory for Site 3e (Inc Affordable Housing)**

	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Total
Site 3e	50	70	70	70	70	20	350

***Question 60. Five Year Housing Land Supply***

***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?***
- 2.21 The Council's 5-year supply methodology is considered to be broadly sound. However, we do not agree with the use of a 5% buffer – instead we consider that the methodology should include the use of a 20% buffer in accordance with the NPPF.
- 2.22 The NPPF sets out that where there has been a persistent record of under-delivery, the buffer should be increased to 20% to provide a realistic prospect of achieving planned supply and ensuring choice and competition in the market for land.
- 2.23 Delivery levels show a surplus of 73 dwellings as against the Plan's housing requirement since 2013. This however somewhat masks record levels in under-delivery in Chelmsford, which has up until very recently been a persistent problem.
- 2.24 Dating back to 2001, CCC has under-delivered as against its housing target in 10 out of 17 years, as set out in the table below (the highlighted areas show under-delivery).

**Table 3: Annual Dwelling Delivery (2001 – 2018)**

<b>Year</b>	<b>Annual Dwelling Target</b>	<b>Annual Dwelling Completion</b>
2001/02	700	545
2002/03	700	1,046
2003/04	700	731
2004/05	700	773
2005/06	700	483
2006/07	700	520
2007/08	700	756
2008/09	700	638
2009/10	700	200
2010/11	700	234
2011/12	700	235
2012/13	700	274
2013/14	805	470
2014/15	805	826
2015/16	805	792
2016/17	805	1,002
2017/18	805	1,008

- 2.25 It is considered that the above table clearly demonstrates the necessity for a 20% buffer, as opposed to a 5% buffer.

### 3.0 RESPONSE TO MATTER 6A: HOUSING PROVISION IN GROWTH AREA 1

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

*Question 62. Housing Provision in Growth Area 1*

*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?*

3.1 Our response to this question relates to the allocated land parcels as controlled by Redrow (Sites 3b, 3c and 3d).

3.2 To reiterate, Redrow considers that these allocations are “justified” and “deliverable” and are therefore “sound”. There are no reasons why they should not be allocated, nor are there any clear and convincing reasons why the additional Redrow land “Site 3e” is not allocated – this is set out in the previous response (to Matter 6) and is therefore not repeated here.

3.3 There are no major infrastructure requirements to the delivery of the Redrow sites (as well as 3e) and delivery of the entire site can occur from 2020/21 – as set out earlier.

- 3.4 A roundabout is to be delivered at the junction of Maldon Road/Sandford Mill Lane in conjunction with Site 3a, as promoted by Hopkins Homes. Redrow is in advanced discussions with Hopkins Homes, Essex County Council and Chelmsford City Council regarding the detail of this piece of infrastructure which will enable delivery of housing to commence in 2020/21. Should the works extend beyond this period, temporary access solutions can be established to enable development to progress.
- 3.5 As earlier, the housing trajectory for the Redrow sites is considered realistic. This can also include the delivery of Site 3e from 2020/21 – 2025/26. This would ensure full flexibility (20% buffer) in terms of the planned supply in the short-medium term.
- 3.6 The planning and masterplanning principles are broadly supported, however, it is considered that Sites 3c and 3d could deliver more than the 100 and 50 units identified respectively - yet we welcome the use of an “around” figure.
- 3.7 For Site 3b, the site infrastructure requirements include, *“land (c. 0.13ha) for a standalone early years and childcare nursery (Use Class D1) and the total cost of physical scheme provision with delivery through the Local Education Authority”*. Redrow supports the provision of land for a standalone early years and childcare nursery. It does not however consider the provision of the total cost of a scheme as being necessary or justified. This has previously been discussed with the Council and it is proposed that the nursery would be privately built (potentially as part of the commercial development) and run by a private operator (e.g. Busy Bees). There is therefore no necessity for Redrow to provide the cost of the facility to the Education Authority and this element of the policy is **unjustified**. Deleting this aspect of the policy would ensure soundness.
- 3.8 With regard to “part e” of the question, the site allocation boundaries for Sites 3b and 3d are supported. It is however considered that Site 3c should extend at least up to the set of pylons eastwards but also beyond this as far as the boundary with the A12 covering the entire Redrow land. At present, from Site 3a, the allocations extend all along Maldon Road as far as the Sandon Park and Ride/A12 in the east – with the exception of Site 3e. Site 3e is considered to represent a logical extension to the allocations with the A12 forming a defensible boundary to the built form of Chelmsford. This would secure the delivery of a further c. 350 dwellings contributing positively towards the overall and 5-year housing supply.
- 3.9 In response to “part f” of the question, yes, the site allocations will achieve sustainable development. These sites (and including Site 3e) would secure comprehensive development to form an appropriate urban extension comprising mixed use development in East Chelmsford. The allocation of Site 3e would also provide improved sustainable connections

for the village of Sandon towards Chelmsford as well as improved opportunities for open, recreation and play space provision as well as biodiversity enhancements.

3.10 In summary, it is therefore considered:

- That the allocations for Sites 3b, 3c and 3d are “justified” and “deliverable” and are therefore “sound”, and delivery of the entire site can occur from 2020/21.
- That Sites 3c and 3d could deliver more than the 100 and 50 units identified respectively. Moreover, that Site 3c should extend at least up to the set of pylons eastwards but also beyond to the boundary with the A12.
- There no reason why the additional Redrow land “Site 3e” is not allocated, which represents a logical extension to the allocations, delivering a further c. 350 dwellings towards the overall and 5-year housing supply.
- The SA does not seem to have had due regard to the submitted technical and design material in its assessment of the remaining parcel of 3e (CFS99). Moreover, the SA's conclusions in terms of heritage and landscape considerations contradict its own Evidence Base where the Site was considered to perform well against these criteria:
  - The Evidence Base including the SLAA and Landscape Capacity Assessment (LCA) both confirm the suitability of Site e, with the LCA confirming that the Site (CFS99) has medium - high landscape capacity to accommodate growth, i.e. good capacity for growth.
  - The extensive technical and design material submitted during the consultation stages including heritage and landscape input demonstrates that appropriate “buffering” could be secured to Sandon Conservation Area to the south as well as to Grace’s Cottage (Listed Building) along Brick Kiln Road.
  - Moreover, that the proposed “buffering” area has other potential benefits including extensive opportunities for open, recreation and play space provision; improved connectivity between Great Baddow and Sandon; and opportunities for biodiversity enhancements and management.
- These sites, including Site 3e, would secure comprehensive development to form an appropriate mixed-use urban extension in East Chelmsford.

## 4.0 MATTER 6D – HOUSING PROVISION (AFFORDABLE HOUSING)

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

### *Question 66. Affordable Housing*

*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?*

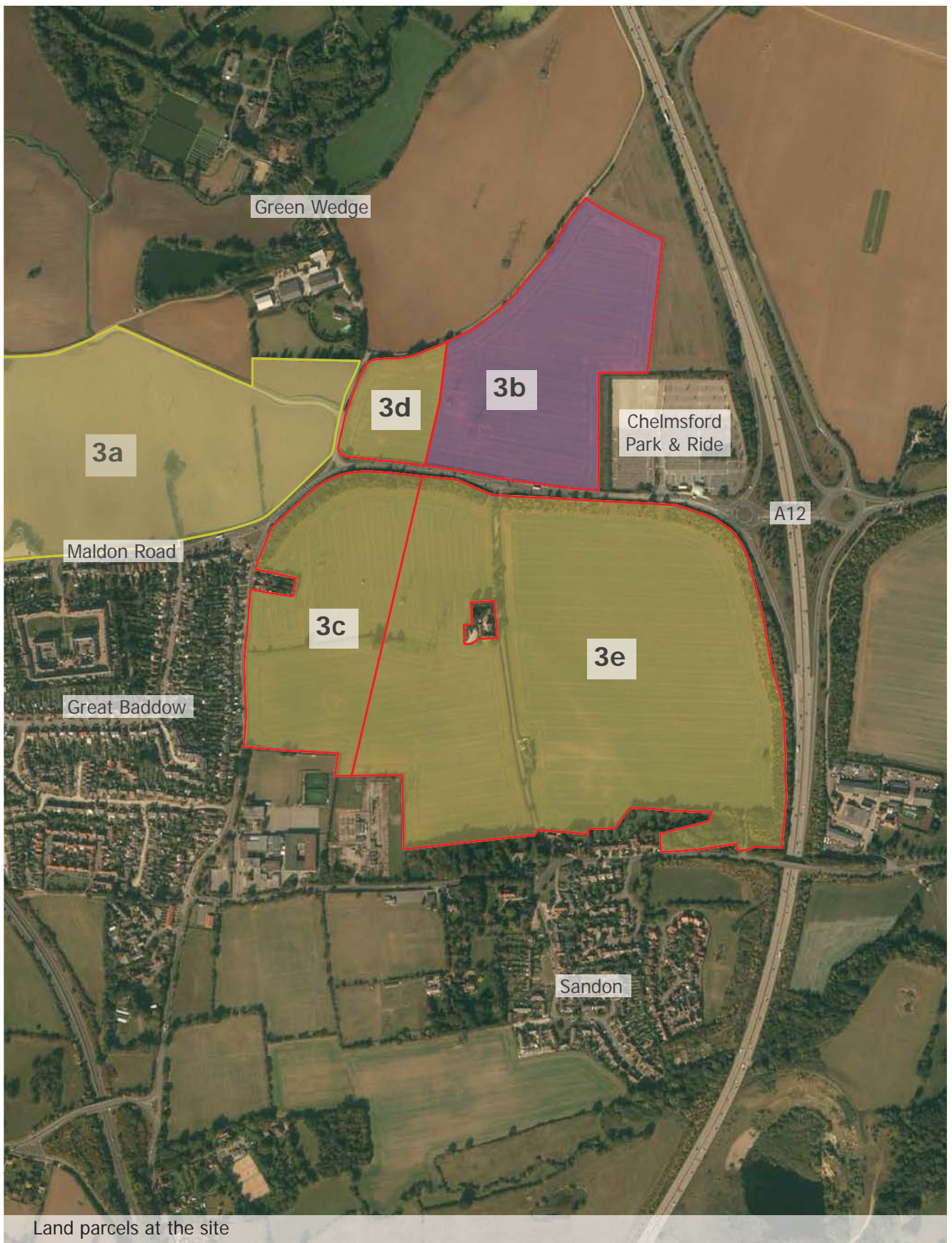
4.1 Policy HO2 (Affordable Housing) seeks to make provision for 35% of the total number of residential units to be provided as affordable homes, and Redrow supports the provision of up to 35% Affordable Housing – where it is viable to do, with all other infrastructure matters and other considerations being assessed.

4.2 It is therefore important for LP Policy HO2(A) to provide such flexibility, as it is often the case that full affordable provision can render development sites unviable. The proposed policy should therefore include a clause for the submission of viability statements where full provision is deemed unviable. Viability is an iterative process and the recommended clause should make allowance for the viability of scheme to be addressed at the planning application stage.

4.3 Accordingly, the policy at present is considered **unsound**.

## **APPENDIX 1**

### **REDROW LAND PARCEL PLAN**



Land parcels at the site