

Matter SC5 Delivering High Quality Homes

Turley on behalf of Harrow Estates
Respondent Number 3111

Statement in respect of representations 60525,
60526 and 60527

September 2016

Turley

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Client
Harrow Estates

Our reference
HARW3002

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1. Introduction

- 1.1 This statement has been prepared by Turley on behalf of our clients, Harrow Estates (respondent reference 3111) in relation to the following matters:
- Matter SC5A.8 Policy H/2 Bayer CropScience Site, Hauxton
 - Matter SC5B.2 Policy H/8 Housing Mix
 - Matter SC5B.3 Policy H/9 Affordable Housing
- 1.2 Our client has an interest in the Hauxton Waste Water Treatment Works (WWTW) site.
- 1.3 This statement specifically addresses the questions that have been raised by the Inspector in relation to the proposed policies and supporting text along with applying these to the tests of soundness set out in the National Planning Policy Framework (NPPF).
- 1.4 In respect of the tests of soundness, we consider that the Local Plan as currently drafted is not consistent with national policy. Our recommended changes are set out in Section Three of this Statement.
- 1.5 We set out our response to the questions posed by the Inspector in Section Two of this statement. Our comments have regard to national planning policy and material considerations.

2. Matters to be Examined

SC5A.8 Policy H/2 Bayer CropScience Site, Hauxton

i. Should paragraph 7.12 be updated to reflect the latest position in relation to planning application?

- 2.1 We feel that the information in respect of the policy should be updated to reflect the most current position at the site, including the granted outline and reserved matters consents and the completion of homes. This will ensure that the plan is prepared with the most up to date evidence available.
- 2.2 Consideration should also be given to reflecting the current position in relation to the Waste Water Treatment Works (WWTW) where a planning application has now been submitted for its redevelopment for residential purposes. This follows extensive pre-application discussions with the Local Planning Authority across a 12 month period. We will update the Inspector of the position in relation to the application at the time of the hearings.
- 2.3 On this basis we reiterate the points made in earlier submission on behalf of our client, that Policy H/2 should be amended to include the WWTW site as an allocation for residential development. This allocation would recognise the previously developed nature of the site, its current redundant state (having been decommissioned following the redevelopment of the main CropScience site) and the need for remediation of the only remaining Part IIA site in the District.
- 2.4 It is suggested that the current boundary for the site H/2 is extended to include the former WWTW in recognition of the social and environmental benefits that it will bring. Should this not be included then amendments should be made to paragraph 7.13 as outlined below.

ii. In respect of paragraph 7.13, is it the intention of the policy that the future redevelopment of the waste water treatment works and the recreation buildings would be restricted to uses which would not represent inappropriate development in the Green Belt?

- 2.5 As proposed, the emerging Local Plan states, at paragraph 7.13, that
- “Proposals for the redevelopment of the recreation buildings and waste water treatment facility on the western side of the A10 will be considered in the context of proposals for appropriate development within the Green Belt. As a planning objective it would be highly desirable to secure the removal of the incongruous industrial structures on the western part of the site. Particular consideration should be given to proposals that remove these structures and improve the visual appearance of the Green Belt.”*
- 2.6 Whilst we note the Council's intention to secure the redevelopment of the site with a scheme which would not represent inappropriate development, we do not consider that, as worded, the supporting text would restrict it to such uses. In fact, to do so would be

inflexible and contrary to the guidance contained within Paragraph 88 of the National Planning Policy Framework (NPPF) in relation to “Very Special Circumstances” (VSC).

- 2.7 The application for the WWTW site currently before the Council confines development to the central previously developed area of the former treatment plant and sets out the case for the development being not inappropriate and fully in accordance with paragraph 89 of the NPPF. However, it also provides the Council with the “Very Special Circumstances” justification for the redevelopment should they disagree with the assessment of the proposals against paragraph 89. This is contained within the Green Belt Statement submitted in support of the application and can be made available to the Examination if required.
- 2.8 The supporting text in relation to the WWTW site seeks to encourage its redevelopment with a scheme which would not be considered inappropriate. It should not be amended to explicitly restrict development in this way. The wording should remain sufficiently flexible to ensure that, if applicable, VSCs could weigh in favour of redevelopment proposals.
- 2.9 In order to provide clarity and appropriate flexibility, the supporting text should be amended to additionally reflect the provisions of paragraphs 87 and 88 of NPPF. It should also recognise the potential for VSCs to exist given the unique constraints and opportunities associated with the site.

SC5B.2 Policy H/8 Housing Mix

i. Does the policy accord with paragraph 50 of the Framework which requires a mix of housing based on current and future demographic and market trends and the needs of different groups in the community. Is the wording of the policy therefore too inflexible and prescriptive?

- 2.10 Harrow Estates plc objects to the prescriptive, inflexible nature of this policy and suggests that it is amended to allow for the individual circumstances of a site to be taken into account when considering whether a particular housing mix is appropriate.
- 2.11 The supporting text for the policy, at paragraph 7.24 incorrectly suggests that housing type and size is the driver of affordability. In reality, this is driven by the demand for, and critically the supply of, housing in an area. The supporting text should be amended to reflect the need to increase the supply of homes and deliver unit sizes which meet market requirements.

ii. Should the percentages in criteria (a) to (c) be reduced and the flexibility allowance in criteria (d) increased?

- 2.12 Although the policy proposes a 10% allowance to take account of local circumstances, this is not considered sufficiently flexible. Criteria (d) should instead provide the scope for an alternative mix to be proposed where justified by local and specific site circumstances.

SC5B.3 Policy H/9 Affordable Housing

- 2.13 Harrow Estates plc objects to criteria (f) of this policy, which advises that a financial contribution broadly equivalent to the value of affordable housing that should have been provided on-site will be sought where it is demonstrated that it is not possible to build affordable homes on or off-site. This conflicts with the preceding criteria of the policy, which acknowledges that there may be circumstances where the provision of affordable housing is not possible.
- 2.14 Criteria (f) should instead be amended to confirm that a financial contribution will be sought, up to the maximum level described, *where viable*. Without such recognition of the need to consider the scheme's viability when seeking this contribution, this policy would be ineffective, unjustified and unsound.
- 2.15 Harrow Estates plc also objects to the proposed inclusion of criteria (g):
- “On all sites of 20 or more dwellings, and in each phase of strategic sites, developers will supply dwelling plots for sale to self and custom builders. Where plots have been made available and appropriately marketed for at least 12 months and have not been sold, the plot(s) may either remain on the market or be built out by the developer”*
- 2.16 This requirement is overly onerous on developers and will merely slow down the delivery of housing, contrary to the aims of the NPPF to “significantly boost the supply of housing”.
- 2.17 It should also be noted that whilst referred to within the Updated Local Plan Viability (November 2015) it is clear that this is an untested and unknown element and that the impact that the inclusion of self / custom build plots has on the viability of schemes is unproven.

3. Recommended Changes

- 3.1 In summary we recommend that the following changes are made to the Local Plan in relation to Policy H/2:
- Allocate land at the Hauxton Waste Water Treatment Works for residential development as part of the overall allocation within Policy H/2.
- 3.2 Should no amendment be made to Policy H/2, then paragraph 7.13 should be amended to include reference to "Very Special Circumstances" to ensure that the Local Plan conforms with Green Belt guidance contained within the NPPF.
- 3.3 The criteria set out within policy H/8 in respect of Housing Mix should be amended to provide the scope for an alternative mix where justified by local and specific site circumstances.
- 3.4 In respect of Policy H/9 we recommend that criteria (f) is amended to reflect the need to consider viability when determining the extent of any financial contribution (if any) which can be reasonably sought towards affordable housing. Criteria (g) should be removed in its entirety.

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