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Harlow Local Plan  
Examination in Public

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Hearing Statement

on behalf of

Miller Homes

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Matter 7 – Development Management Policies

March 2019

AM-P Ref: 13001



## INTRODUCTION

1. This Hearing Statement has been prepared by Andrew Martin – Planning (AM-P) on behalf of Miller Homes.
2. Miller Homes controls 249.7 hectares (ha) of land, bounded by Gilden Way / Sheering Road, the M11, Church Langley and New Hall Farm, to the east of Harlow. Of this 128.7 ha of land falls within Harlow District to the south of Moor Hall Road and the remaining 121 ha within Epping Forest District to the north of Moor Hall Road.
3. The southern part of the site is allocated in Policy HS3 of the Harlow Local Plan Pre-Submission Document (HSD1) for approximately 2,600 homes and other associated uses. The northern part of the site is allocated in Policy SP5 of the Epping Forest Local Plan Submission Version for approximately 750 homes, other associated uses and the potential relocation of the Princess Alexandra Hospital (PAH).
4. This Hearing Statement supplements our client's formal representations from July 2018 and considers the Inspector's Questions for Matter 7 of the Harlow Local Plan Examination.

## MATTER 7 – DEVELOPMENT MANAGEMENT POLICIES

***Question – Are the development management policies in the plan positively prepared, justified, effective and consistent with national policy?***

### ***H1 Housing Allocations – Is this policy necessary?***

5. Policy H1 requires all allocated housing sites to accord with the principles of the Harlow and Gilston Garden Town Spatial Vision and Design Charter, now named the Harlow and Gilston Garden Town Vision (HEBGT2) and Design Guide (HEBGT3). However, Miller Homes objects to this policy requirement on the basis that the Design Guide (HEBGT3) contains two errors in respect of East of Harlow.
6. First, page 43 of HEBGT3 notes that road access will come from Moor Hall Road and Hobbs Cross Road. This is misleading, as the main access strategy for East of Harlow does not rely on either of these existing roads. Three potential points of vehicular access are being planned, including: one at Mayfield Farm; another from the new M11 J7A link road roundabout (known as The Champions Roundabout); and, the third to the south via HDC's depot site adjacent Gilden Way. No vehicular access is planned via Moor Hall Road or Hobbs Cross Road, other than to serve existing properties / land and potentially some limited frontage development. Detailed junction designs are being considered to prevent vehicles from the new development (with the exception of some limited frontage development) using these routes.
7. Second, the diagram on page 42 of HEBGT3 suggests that land to the north of the M11 J7A link road (i.e. in Epping Forest District) is "only to be developed for potential hospital relocation". Although Miller Homes has reserved this land for the potential relocation of the PAH, if for any reason the PAH does not relocate here, this land could accommodate residential uses or other forms of development consistent with the overall strategic allocation at East of Harlow. Certainly it would be premature to



rule out the possibility of other uses here (in the event that PAH does not relocate) or elsewhere on the northern part of the site, prior to the preparation of a collaborative Strategic Masterplan Document.

8. For these reasons, pages 42 and 43 of the Design Guide (HEBGT3) should be amended to correct the two issues described above. This will ensure that Policy H1 is effective (i.e. deliverable over its period) and justified (i.e. the most appropriate strategy when considered against the reasonable alternatives).

***H5 Accessible and Adaptable Housing – Is this policy consistent with national policy and sufficiently justified? Have the effects on viability been assessed?***

9. Policy H5 requires that all new dwellings must comply with at least Part M4(2) (i.e. accessible and adaptable dwellings) in the Building Regulations and that in addition, all major development must provide a proportion of Part M4(3) (i.e. wheelchair user) compliant dwellings. The supporting commentary at paragraph 14.25 suggests that 10% of market dwellings and 15% of affordable dwellings should comply with Part M4(3), as recommended in the Strategic Housing Market Assessment (SHMA) (September 2015).
10. Miller Homes considers that the requirements in Policy H5 are too onerous and could have an adverse impact on the viability of development in the District – particularly given the absence of a final version of the Garden Town Strategic Viability Assessment.
11. Paragraph 56-007 in the Planning Practice Guidance (PPG) recognises that local authorities must provide more detailed evidence where they seek to introduce higher accessibility, adaptability and wheelchair housing standards. Furthermore, paragraph 56-009 in the PPG directs that local plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling. Wheelchair accessible homes certainly should not be forced on the market element of any new development.
12. In order to address these concerns, Miller Homes requests that Policy H5 is amended to limit Part M4(2) to affordable housing only and Part M4(3) to 10% of any affordable housing on a development site. This change is necessary to ensure that Policy H5 is consistent with national guidance and effective (i.e. to ensure that the Plan is deliverable over its period).

***H8 Affordable Housing – Is the policy justified and sufficiently clear to be effective? Have the effects on viability been justified?***

13. Policy H8 requires major residential development to provide at least 30% affordable housing, unless this is demonstrated to be unviable.
14. It is noted that HDC and EFDC are in the process of preparing a Garden Town Strategic Viability Assessment, which will establish whether the policies and standards in the Plan, together with other national standards, would have an impact on the viability. However, at the time of writing, a final version of the Strategic Viability Assessment has not been published.
15. Therefore, Miller Homes reserves the right to make further verbal comments on this matter at the relevant hearing session, once the final Strategic Viability Assessment is available.



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***H9 Self-Build and Custom-Build Housing – Is the policy justified and would it be effective?***

16. Policy H9 expects housing sites of greater than 50 dwellings to include at least 5% provision of plots for self-build, unless such inclusion would render the development unviable.
17. Miller Homes objects to this policy requirement on the basis that it is excessive and is not based on proportionate evidence (i.e. not justified).
18. Policy H9 and the supporting commentary at paragraph 14.43 suggests that 5% self-build is required in order to meet the needs of those on the statutory Self-Build Register. However, the Self-Build Register (or a summary of the information and numbers it contains) has not been published as part of the Local Plan evidence base and is not available publicly. It is therefore impossible to ascertain whether 5% self-build is warranted or justified by evidence.
19. In the absence of evidence, Miller Homes requests that Policy H9 is amended to be consistent with that used by HDC's neighbours to the north, i.e. East Herts District Council (EHDC). EHDC submitted its Local Plan with a requirement for 5% self-build, but following objections from multiple parties, agreed with the Inspector to modify this figure to 1%. The 1% figure is now included in Policy HOU8 of the adopted East Herts District Plan (2018).
20. Miller Homes believes that this is a far more appropriate figure and one which is less likely to impact on viability, whilst still ensuring that some self-build plots are brought forward.

***PR4 Improving Job Access and Training***

21. Policy PR4 expects major development to provide planning obligations for: (1) employment of local people; (2) work related training provision; (3) education opportunities; and, (4) affordable childcare.
22. Although Miller Homes supports the principle behind this policy, i.e. to get local residents back into work and to improve their skill levels, additional information is required:
  - to explain how these obligations could work in reality;
  - to set out the level of obligation likely to be sought; and
  - to assess the viability implications of these requirements.
23. This is necessary to ensure that Policy PR4 is the most appropriate strategy when considered against the reasonable alternatives (i.e. justified).
24. Furthermore, while Miller Homes is keen to encourage the "employment of local people", it is debatable: whether they (or their contractors or subcontractors) could solely select employees from a particular geographical area, without being deemed to discriminate unlawfully against those living further afield; and, whether any such obligation could be enforced practically on a week-to-week basis.

***L3 Development involving the Provision or Relocation or Loss of Public Art – What is the definition of major development, and is this policy justified in all cases?***

25. Part 1 in Policy L3 requires public art to be provided in major developments.
26. However, the supporting commentary at paragraph 16.14 suggests that Harlow already contains a significant volume of public art and more per head of population than any other town in the Country.



With this in mind, it is questionable whether Harlow requires any additional public art to make major new development “acceptable in planning terms” and therefore whether any request for such art would pass the tests for a planning obligation – as set out at paragraph 204 of the NPPF and Regulation 122 of the CIL Regulations.

27. Evidence should be provided to demonstrate where any public art deficiencies exist in the Town, how those deficiencies can be addressed and the level of contribution / obligation likely to be necessary to do so.
28. In the absence of such evidence, Part 1 in Policy L3 is unlikely to be “justified” or consistent with national policy and should be deleted.

***IN2 Impact of Development on the Highways Network including Access and Servicing – Is the policy consistent with NPPF paragraph 32?***

29. Policy IN2 confirms that development will be supported where it meets a number of highway network related criteria, including that it should not cause a “significant” detrimental impact on highway congestion and movement.
30. However, the corresponding test at paragraph 32 of the NPPF (2012) states that development should only be refused on transport grounds where the residual cumulative impacts of development are “severe”.
31. Therefore to be consistent with national policy, Part (a) in Policy IN2 should be amended to refer to “severe” impacts.

**SUMMARY**

32. Miller Homes controls 249.7 ha of land to the east of Harlow. The southern part is allocated in Policy HS3 of the Harlow Local Plan for approximately 2,600 homes and other associated uses, while the northern part of the site is allocated in Policy SP5 of the Epping Forest Local Plan for approximately 750 homes, other associated uses and the potential relocation of the PAH.
33. This Hearing Statement supplements representations made in July 2018. In particular:
  - It seeks amendments to pages 42 and 43 of the Harlow & Gilston Garden Town Design Guide (HEBGT3), in order to ensure that Policy H1 is effective and justified.
  - It seeks amendments to Policy H5 to limit Part M4(2) to affordable housing only and Part M4(3) to 10% of any affordable housing, to ensure that the policy is consistent with national guidance and effective.
  - It reserves the right to make further comments on Policy H8 at the relevant hearing session, once the final Strategic Viability Assessment is available.
  - It seeks an amendment to Policy H9 to reduce the requirement for self-build plots on major development sites from 5% to 1%, to be consistent with that required in the adopted East Herts District Plan and to ensure that viability is not harmed.



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- It seeks further evidence to demonstrate that the employment and training requirements in Policy PR4 are justified.
  - It seeks further evidence to demonstrate that public art requirements in Policy L3 are justified.
  - It seeks a detailed wording change in Policy IN2 to ensure that the policy is consistent with paragraph 32 of the NPPF.
34. Miller Homes also has additional comments in respect of the Inspector's other Matters and Questions, which are set out in separate hearing statements.

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