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# EXAMINATION STATEMENT – MATTER 7

## Harlow Local Development Plan

Representations on behalf of  
Redrow Homes

March 2019

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**HARLOW LOCAL DEVELOPMENT PLAN**

**REPRESENTATIONS ON BEHALF OF  
REDROW HOMES**

**MARCH 2019**

<b>Project Ref:</b>	28775/A3
<b>Stratus</b>	Final
<b>Issue/Rev:</b>	01
<b>Date:</b>	05 March 2019
<b>Prepared by:</b>	DM
<b>Checked by:</b>	HE
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Ref: 28775/A3/DM/cg/kf  
Date: 05 March 2019

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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 land to the south of Moor Hall Road, hereafter referred to as “the Site”.
- 1.2 The Site forms a land parcel and is located within the wider Strategic Housing Allocation to the East of Harlow (ref. HS3) in the submitted Local Plan. The allocation provides for 2,600No. dwellings and associated infrastructure as forming one of the new Garden Communities in the Harlow and Gilston Garden Town.
- 1.3 Representations have been made on behalf of our Client during the production of the Local Plan. Our representations to the Reg 19 Pre-Submission Publication Local Plan were supportive of the Plan (and the Site allocation), however, we sought to provide commentary on some areas of the Plan for which we did not consider to be sound. These aspects are addressed again in matter statements to the Examination of the Local Plan.
- 1.4 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).
- 1.5 The Local Plan was submitted during the period for when transitional arrangements for applying the 2012 NPPF were in place. 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 7 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 7 – DEVELOPMENT MANAGEMENT POLICIES

**Topic: Are the development management policies in the plan positively prepared, justified, effective and consistent with national policy? This includes some specific questions in bullet form, as relevant, as follows:**

### ***PL1: Design Principles for Development***

- 2.1 Policy PL1 refers to a design rationale being required to take into consideration the Adopted Harlow Local Design Guide SPD, the Harlow and Gilston Garden Town Spatial Vision and Design Charter and relevant national guidance.
- 2.2 As per our response to Matters 3 and 4, we do not currently support the need for the masterplan to be based on the Harlow and Gilston Design Charter and the Spatial Vision.
- 2.3 If reference to the Design Charter and Spatial Vision is removed, we would be supportive of the Policy as a whole.

### ***H1: Housing Allocations – is this policy necessary?***

- 2.4 Redrow broadly supports Policy H1, however, as per above, we do not currently support the requirement for the Masterplan to be submitted and developed to accord with the Harlow and Gilston Garden Town Spatial Vision and Design Charter.
- 2.5 We therefore suggest that the wording of the Policy is changed as follows:

**Development of the Strategic Housing Site East of Harlow and other sites for housing (allocated in the Strategic policies) will be supported.**

**Development of the Strategic Housing Site East of Harlow will require ~~a Master Plan to be submitted~~ phases of development to be comprehensively designed so as not to prejudice delivery of the wider site allocation and will take into consideration the relevant policies in the Local Plan.**

**~~Development of all allocated housing sites must accord with the principles of the Harlow and Gilston Garden Town Spatial Vision and Design Charter.~~**

***H5: Accessible and adaptable housing – is this policy consistent with national policy and sufficiently justified? Have the effects on viability been tested?***

- 2.6 Policy H5 requires all new dwellings to be constructed to at least Building Control Part M4(2) standard for accessible and adaptable homes. It also requires major residential development to provide for a proportion of dwellings (as set out within the latest SHMA) to be constructed to Building Regulations Part M4(3).
- 2.7 Building Regulations Part M4(2) provides for accessible and adaptable dwellings, whereas Part M4(3) relates to wheelchair user dwellings. Compliance with these standards means that dwellings need to meet certain accessibility criteria, such as level thresholds and provision of lifts in all apartment blocks, as well as specific internal space standards. Compliance with Part M4(3) requires the dwellings to be fully wheelchair accessible which dictates the minimum size of the property along with impacting upon the internal layouts.
- 2.8 The NPPG (Reference ID: 56-007-20150327) states that the need for compliance with Building Regulations Part M4(2) and M4(3) must be based upon a housing needs assessments and other available data sets. The NPPG states that there are a wide range of published official statistics and factors that can be taken into account including the following:
- The likely future need for housing for older and disabled people;
  - The size, location, type and quality of dwellings needed to meet specifically evidenced needs (e.g. retirement homes, sheltered homes or care homes);
  - The accessibility and adaptability of existing housing stock;
  - How needs vary across different housing tenures; and
  - The overall impact upon viability.
- 2.9 The NPPG (reference ID:56-008-20160519) states that Local Plan policies should take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) or M4(3) compliance. It also requires Local Authorities to consider the viability of requiring all apartment blocks to comply with the accessibility criteria (step free access) of the Building Regulations standards. The requirement to comply with Building Regulations Parts M4(2) and M4(3) would both potentially have an impact upon the viability of a development.
- 2.10 The supporting text to the policy notes that the 2015 SHMA identifies the number of over 65's and 85's is projected to significantly increase over the Plan Period; however, there is no published evidence to demonstrate that an assessment has been undertaken in respect of the

ability of the existing housing stock to accommodate these needs, how the needs may vary across different housing tenures or the overall impact upon the viability of development. This could ultimately frustrate deliverability of the sites.

- 2.11 The Policy should be supported by sufficient evidence to justify each of the standards, with adequate flexibility to take account of site-specific circumstances, viability and in particular the need for all apartment buildings to comply with the accessibility standards. We object to these prescriptive requirements as it constitutes an unreasonable and inflexible approach which would not be 'Justified', 'Effective', or 'Consistent with National Policy' and is therefore not 'Sound'.
- 2.12 In respect of compliance with Building Regulations Part M4(3), paragraph 14.25 of the Local Development Plan states that the SHMA sets out that 10% of market housing and 15% of the affordable housing must be Building Control Part M4(3) standard. This is contrary to the guidance contained within the NPPG (reference ID: 56-009-201503227) which states:

**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.**

- 2.13 Policy H5 implies that a quantum of market housing is also required to comply with Part M4(3). This would not be 'Consistent with National Policy' and therefore the requirement should be removed.
- 2.14 The NPPF (para 174) does advise that the cumulative impacts of local standards should be assessed as part of the Council's evidence base to ensure the implementation of the plan is not at serious risk. No such evidence has been prepared.

***H9: Self-build and Custom-build Housing – is the policy justified and would it be effective?***

- 2.15 Policy H9 requires all development of housing sites greater than 50 dwellings to include 5% of serviced plots for self-build, unless the inclusion would render the development unviable.
- 2.16 The Planning Practice Guidance (paragraph 11 Reference ID: 57-011-2016401) requires Local Planning Authorities to use demand data from its self-build registers when preparing its SHMA to understand and consider future need for this type of housing in its area. Plan makers are then required to make reasonable assumptions using the data in setting requirements within Local Plans.

- 2.17 The SHMA (Paragraph 6.43) states that a survey to ascertain levels of demand for self-build could be undertaken in the future. As such, the Council has not produced any robust evidence of the need for self-build and this requirement has not been assessed as part of the SHMA. The evidence base also does not contain any published information about the number of people on the Council's Self Build Register – albeit we understand the Council is in the process of seeking to gather this data.
- 2.18 As a consequence, there is no current evidence in respect of the specific need for self-build housing in Harlow over the Plan period to justify the 5% requirement. Policy H9 has therefore not been 'Positively Prepared', 'Justified' or 'Consistent with National Policy' and should therefore be deleted.
- 2.19 The delivery of self build units on small sites would result in issues during the construction period. A small scale development of 50no. units would be delivered relatively quickly by a housebuilder; however, self-build units would take longer to construct and would likely continue after the remainder of the Site has been completed. This would result in construction vehicles using and potentially damaging finished roads. The Council has therefore not fully considered the implications of its policy requirements upon the construction and delivery process.
- 2.20 The NPPG (Para 001 Reference ID: 10-001-20180724) seeks policy requirements (such as affordable housing provision along with other infrastructure) to be informed by evidence of need and a proportionate assessment of viability that takes into account all relevant policies including local and national standards. The Council has not considered the impact on viability of a Site with the delivery of 5% self build units in addition to the affordable housing requirements.
- 2.21 As a consequence, the Council has not provided an appropriate evidence base in respect of the impact of delivery on viability Policy H9 has therefore not been 'Positively Prepared', 'Justified' or 'Consistent with National Policy' and should therefore be deleted.

***IN1: Development and Sustainable Modes of Travel***

- ***Is the requirement for electric charging points for vehicles justified?***
- ***Is the policy sufficiently ambitious? Should there be a requirement for travel plans in certain cases?***

- 2.22 Policy IN1 relates to the need to incorporate sustainable methods of travel within all development proposals. In particular, Part 2 of the Policy requires the provision of Electric Vehicle Charging Points in accordance with latest government guidance.
- 2.23 The NPPF makes no direct reference to Electric Vehicle Charging Points nor does it set a required standard. Further, the Council has not undertaken an assessment of viability to consider the impact of the imposition of any standards upon development viability.
- 2.24 Paragraphs 157 and 177 of the NPPF require Local Plans to plan positively for infrastructure needs throughout the Plan period. The Council has not undertaken any form of assessment as to the need for infrastructure upgrades (which may be wider than the Site) associated with additional demand upon the National Grid.
- 2.25 It is our experience that the installation of such infrastructure may require reinforcement of the existing electricity network to accommodate additional demand. National Grid require sufficient supply to be made for all households to return home at the same time and plug in their vehicles. In circumstances where there is insufficient supply, developers are required to pay to reinforce electricity supplies which is an extremely costly exercise and can lead to delays in the delivery of housing and concerns regarding viability.
- 2.26 Policy IN1 has therefore not been 'positively prepared' and is not 'justified' or 'consistent with National Policy' and is therefore not 'Sound'. The Policy should therefore be deleted.

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

- 2.27 Policy IN2 requires that development must not cause:
- a) A significant detrimental impact on highway congestion and movement;
  - b) Not cause a detrimental impact on the safety of all highway users including pedestrians, cyclists and horse-riders.
- 2.28 Paragraph 32 of the NPPF requires that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are "severe". It is therefore recommended that the policy is reworded as follows:

**Development must meet the following criteria:**

- a) ~~A significant detrimental~~ [severe] *[inserted word]* impact on highway congestion and movement;
- b) Not cause a ~~detrimental~~ [severe] *[inserted word]* impact on the safety of all highway users including pedestrians, cyclists and horse-riders.