

East Cambridgeshire Local Plan Examination

Hearing Statement PS434 – Matter 17, regarding Matter 16 site allocations

A. Background

This hearing statement supplements my original Local Plan Response Form H (with its attachments) dated 15 December 2017 under Council reference PS434 (Appendix 1). The original Response objected to omission of the land available for housing at my address 47 High Street, Cheveley (“the Site” and “CHV.H3A”- marked / added to Appendix 2) from the two Cheveley site allocations in the *CD05B Draft Policies Inset Map 10 – Nov.2017* of the Proposed Submission Local Plan, CHV.H1 and CHV.H2 in Appendix 2). This statement therefore concerns:-

1) the Inspector’s proposed Stage 2 Examination of Matter 17: *Delivering a wide choice of high quality homes, ...including individual site allocations* with a view to

2) the Inspector considering alternative housing land supply solutions, which are:-

(i) to review Matter 16: *Proposed site allocations – Medium Villages* site allocations to ensure the most up to date site specific evidence is taken into consideration when applying the Matter 16 tests, and

(ii) for appropriate adjustments to be made to the amount of housing in the Plan Period and to the number of sites currently limited in Matter 16, by considering further allocations such as my own Site CHV.H3A above, on which commentary is also offered here on its suitability as a future site allocation, in the context of the Matter 16 tests and technical work to date confirming no constraints on the Site’s deliverability in the short term.

Preparation of this statement has had particular regard to recent events, including:

a) the Inspector’s Interim Findings on 30 July 2018 that she was “*not convinced...that it is appropriate...to continue to discount the district’s housing figures...This would increase the minimum housing requirement for East Cambridgeshire from 10,835 dwellings to 11,960 dwellings between 2016-2036*”,

b) the Inspector’s question in *Matter 17, Issue 1: “Whether the approach towards the supply and delivery of housing land is justified, effective and consistent with national policy?... in the Relevant Policies, including individual site allocations”*, and

c) the Planning Inspectorate’s Appeal Decision of 29 May 2018 (*at paragraph 54*) on Land off Mildenhall Road, Fordham, that the Council is currently unable to demonstrate a five year supply of housing land.

Accordingly, the following points are made for discussion on Matter 17 as it relates to Matter 16:-

B. Matter 17: Delivering a wide choice of high quality homes

(i) In the Matter 17 hearing the Inspector will address *Relevant Policies- LP2, LP3, LP5, LP6, LP7, LP32 including individual site allocations and the housing trajectory*, and Issue 1 asks: “*Whether the approach towards the supply and delivery of housing land is justified, effective and consistent with national policy*” (emphasis added). In particular the Inspector questions whether it would be appropriate for the timescale of the Plan to be reduced (and for stepped delivery projections to be introduced) as in the Council’s letter of 3 August 2018. In light of the post-2016 shortfall in housing delivery (paragraph 71), and the Council’s inability since the 29 May 2018 Appeal Decision above to demonstrate a 5 year housing land supply, however, it is submitted that it is not good planning practice for the Local Plan simply to reduce or restructure the Plan timescale or open market housing delivery characteristics. This would not allow for any buffer, for example, for delays and shortfalls in delivery on identified sites, which is fundamental for the purposes of ensuring the Local Plan is sufficiently flexible; this is particularly so, given also the Plan’s significant reliance on annual windfalls, for which the Plan relies on the currently incomplete Matter 16 site allocation evidence identified below. It follows that the Plan is therefore not justified, effective or consistent with national policy.

(ii) Paragraphs 64, 66, 68 and 69 ask for the estimated total supply in the Plan Period from ...*d) windfalls (including CLT developments); and e) proposed site allocations ...assumptions about the scale and timing of supply and annual rates of delivery from these various sources, and whether these are realistic; in addition, “...How have windfalls been defined and what evidence is there to support future estimates?, and “How has flexibility been provided in terms of the supply of housing? Are there other potential sources of supply not specifically identified? Can this be quantified?”* It is submitted that all available site allocations should be up to date and transparent as to likely house numbers which, in the absence of a 5 year housing land supply, may properly include sites not yet listed in Matter 16. From analysis of the Site CHV.H3A evidence identified below in respect of current Matter 16 site allocations, omission of significant available and sustainable development opportunities deliverable within 5 years would appear to be inconsistent with national policy. This in turn would justify the Inspector considering an alternative solution of listing all known future sites in the Matter 16 site allocations, in order to help address the 5 year housing land supply shortfall and make the Plan sound.

C. Matter 16: Proposed site allocations – Medium Villages

It is significant that in Matter 16: Issue 1 the Inspector asks: “*Whether the proposed site allocations, excluding Local Green Spaces, for the defined Medium Villages of ... Cheveley ...are justified, based on up-to-date evidence, effective, viable, deliverable and consistent with national policy?*”, and that Matter 16 paragraph 62 identifies for discussion only the two Appendix 2 Cheveley sites, namely CHV.H1 and CHV.H2. These “tests” are therefore addressed in the same order, as follows:-

D. “...justified, based on up-to-date evidence, effective...”

(i) It is submitted that discussion limited to only two sites in Cheveley would not be justified or effective because this Matter 16 allocation of only two sites is neither

complete nor based on up-to-date evidence. When preparing its Proposed Submission Local Plan and deliverable housing land supply projections for adoption in November 2017, there were by then three additional Cheveley sites known to the Council. Two of the three sites are agricultural land (site/06/03 or CHV.H3, and site/06/04 or CHV.H4) identified in the Local Plan *CD04 Core Documents: Further Draft Consultation: Key Issues Raised – May 2017, at page22* (i.e. the sample sites in Appendix 3). The third site is a brownfield Site bordering (and partly within) the village Development Envelope at 47 High Street (here also named CHV.H3A because it adjoins site/06/03 / CHV.H3 above) which was notified to the Council by letter on 23 June 2017 for simultaneous consideration with other Cheveley sites. It was however omitted from the Local Plan as an additional Cheveley site allocation. Therefore, justification for adding this third Site CHV.H3A to the Cheveley site allocations is that it updates the Examination evidence and contributes to the 5 year supply of housing land.

(ii) It is further submitted that because the Local Plan assumes (*e.g. at paragraph 7.0.16, page72*) that emerging and windfall sites will contribute significantly towards a 5 year housing land supply, for the Plan to remain effective and justified as time lapses the Council's ongoing available housing land supply data should be transparent as to all individual site allocations and the likely number of houses deliverable on each. Hence the Plan's policies and individual site allocations listed in Matter 16 (and mentioned for discussion in Matter 17, as in point A. b) above) can reasonably be amended to reflect up-to-date evidence of windfall and emerging sites with their housing numbers known to be available since 2017, such as this third Site CHV.H3A with its potential for early delivery of 8 new houses.

E. "...viable, deliverable..."

(i) It is submitted that although currently omitted as a Cheveley site allocation, viability of the brownfield Site at 47 High Street is supported by detailed planning reports made available in 2017 prior to and with the original Response, which confirm the Site is sustainable and deliverable new housing land in residential surroundings. Notably, the Site's profile and planning reports provide sufficient planning information for the Council then to address the Inspector's site allocation questions a) to p) concluding Matter 16 (*pages 21/22*). For example, there are no listed buildings within the Site, which is approximately 2 acres comprising grassland and gardens around a 70 year old house with various outbuildings. The Site's future development would be compliant with highway, drainage, flood risk and landscape planning requirements, and would seek to meet relevant requirements for mixed housing in Local Plan policies for East Cambridgeshire. The Site is located in the north-east part of Cheveley, a Medium Village with a good range of local services and regular buses, located approximately sixteen miles east of Cambridge and three miles to the south-east of Newmarket. Set back from the High Street, which is the main road within the village, the Site lies behind 45 and 41 High Street, with existing access off the highway between 45 and 47A High Street. The Site falls outside the Cheveley Conservation Area and, although the Site itself is mostly outside, its access begins inside the Development Envelope of Cheveley, as identified in the Polices Map (*April 2015*). There are no other specific constraints in relation to the Site, which has no Tree Preservation Orders and is not at risk of flooding. Proposals for the Site include building up to 8 new dwellings, with possible demolition of the

existing house for replacement by a modern accessible dwelling. Control of the Site is within the present occupier's ownership including the access, which the Highways Authority contemplate gives access for up to 8 houses in a cul-de-sac, i.e. a scheme akin to as many as eight other existing cul-de-sacs in Cheveley.

(ii) It follows that development of the Site is sustainable, viable and would be deliverable as early as 2019/2020, subject to gaining the relevant planning consents. It presents an ideal opportunity to deliver much needed housing, reflecting current Parish Council Policies which support development of brownfield sites, and it is suitable for inclusion in the Local Plan site allocations for Cheveley. The Site might also be added to the Council's new Register of brownfield sites.

F. "...consistent with national policy..."

(i) It is submitted that given its sustainability above, the Site's current omission from the Cheveley site allocations is inconsistent with national policy, specifically paragraph 14 of the pre-2018 National Planning Policy Framework ("NPPF") which stipulates that at the heart of the NPPF is a presumption in favour of sustainable development. The Site is brownfield land which straddles the village Development Envelope and building lines; therefore, in the absence of a five year housing land supply, it can in principle be considered as acceptable for residential development under the NPPF because it is deliverable; i.e. the Site is available, in a suitable location close to the existing services (in point E.(i) above) within a Medium Village, and is deliverable for housing within five years. Accordingly, it would be consistent with national policy to include the Site as sustainable development in Cheveley's current site allocations.

(ii) In particular, paragraph 7 of the NPPF identifies among others an economic role (among other roles) for the planning system to ensure availability of sufficient land of the right type, in the right place and at the right time to support growth, by identifying and coordinating development requirements. Paragraph 8 advises that the various roles should not be undertaken in isolation, are mutually dependant, and the planning system should play an active role in guiding development to sustainable solutions. In this case the Site CHV.H3A adjoins the additional (separately owned) 3 acre 15-35 High Street (site/06/03 / CHV.H3) identified in the Local Plan *CD04 Core Documents: Further Draft Consultation* (Appendix 3 and point D.(i) above) for which a planning application for 8 houses was filed in January 2017 (Council Ref.17/00417/OUT) and later withdrawn. Therefore it is further submitted that, consistent with and in recognition of the NPPF coordinating role identified above, the Local Plan could add Site CHV.H3A to the Matter 16 site allocations (presumably with the adjoining site/06/03 / CHV.H3 in Appendix 3 above) and thereby include for consideration two additional, significant and adjoining Cheveley site allocations together, so that an improved overall planning view arises for the village.

G. Modifications

(i) In Guidance Note paragraph 27 the Inspector asks for detailed suggested wording for changes needed to make the Local Plan sound and, if appropriate, any changes sought to the policies map. As suggested in C. above, the following modifications may help ensure that justified and up-to-date evidence of the basis for reaching a

windfall / emerging sites estimate for the Council's adoption is complete and effective, transparent and publicly available.

(ii) Accordingly, following the Examination hearing on Matter 17, and after receiving responses (for example, to question 64. d) and e) on estimated windfalls / proposed site allocations, and to question 68. on defining windfalls) the Inspector may consider recommending a main modification to the effect that:

“The current Local Plan for adoption should include in the Matter 16 list of site allocations, and in the Council's Register for appropriate brownfield sites, all available sites with likely dwelling numbers known to the Council [say] as at completion of the hearing sessions”, and

(iii) whether by main and/or additional modification as the Inspector and the Council may consider appropriate, it is submitted that:

“The above Site CHV.H3A - Land at 47 High Street - in Response Form H ref.PS434 of 15.12.17 [in Appendices 1 and 2 above] shall be included in the Local Plan site allocations and policies map for Cheveley in *CD05B Draft Policies Inset Map 10 – Nov.2017* and in *CD04 Core Documents: Further Draft Consultation: Key Issues Raised – May 2017, at page22*” [in Appendices 2 and 3 above]

It is hoped that this provides, with other sites identified for allocation elsewhere, further significant opportunities for the Council to deliver much needed quality housing sooner, and to help address the ongoing shortfall in delivery and the 5 year supply of housing land since 2016.

If the Inspector so requests before or at the hearings on Matters 16 or 17, I am available to provide further information or clarification on the above submissions.

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