



**East Cambridgeshire
Local Plan Examination**

**Matter Statements
7,12,14,15,16 and 17**

**Responses on behalf of
Endurance Estates Strategic Land Ltd
Respondent Number: 1065821**

September 2018

CONTENTS

1.0 Introduction

2.0 Responses to Matters 7,12,14,15,16 and 17

Turley

1.0 INTRODUCTION

- 1.1 This Statement has been prepared by Turley, on behalf of Endurance Estates Strategic Land Ltd (Endurance Estates) pursuant to Part 2 of the East Cambridgeshire Local Plan Examination, September 2018.
- 1.2 Endurance Estates objects to a number of policies within the emerging Local Plan as set out in our November 2017 written representations and Part 1 Matter Statements.
- 1.3 These are that the Plan has not been positively prepared, is not justified, effective or consistent with national policy. Therefore the Plan cannot be considered sound in its current form.
- 1.4 The main matters of dispute comprise, inter alia: the five year housing land supply, Policy LP2, Policy LP3, infrastructure provision and the transport strategy, along with settlement-based objections relating to Sutton and Fordham. This Statement deals with Matters 7, 12,14,15,16 and 17
- 1.5 Endurance Estates and its professional planning advisors have requested to participate in the relevant Matter Hearing Sessions and the Programme Officer has been contacted accordingly.

2.0 RESPONSE TO MATTERS 7, 12, 14, 15, 16 AND 17

Matter 7: Promoting healthy communities, design, natural environment and green infrastructure

18. Are the locally derived parking standards contained within Appendix B of the Local Plan effective, justified and suitably flexible?

- 2.1 We have previously made reference to the challenges of the locally derived parking standards at Paragraph 3.37 of our representations to the Pre Submission Local Plan in December 2017. Our clients have first-hand experience of the implications of the new parking standards. For example, at Ely North, for one of the phases, a housebuilder's detailed scheme has been reduced from 241 units down to 221 – a reduction of just under 10% in the total number of units as a direct result of the strict application of the new higher parking standards.
- 2.2 We are therefore not convinced that the implications of the new housing standards on the quantum of housing being brought forward across the whole plan has been considered. If the policy is to be effective and the standards are applied rigorously, then we would recommend that additional housing allocations are made to account for the potential 10% shortfall in overall housing delivery.

Matter 12: Community-led development

Issue 1: Whether the policies relating to community-led development are justified, effective and consistent with national policy?

55. What is the justification to treat community-led development differently to other development that comes forward and to preclude other development models? On what planning basis is there a 'presumption in favour' of community led development? Is this approach consistent with national planning policy?

56. Is it appropriate to refer within a policy to documents which are not statutory planning documents, such as Supplementary Planning Documents? Is the approach of Policy LP5 consistent with Paragraph 204 of the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010?

57. Is it justified and consistent with national policy that development sites be excluded from within a settlement boundary so that they can be brought forward as community-led development?

- 2.3 We have no objection to the principle of community-led development. It is helpful to have other models of development brought forward to compliment the more traditional private sector led schemes.

- 2.4 However, as referred to in para 5.4 of our Matter 4 statement, there is no justification in planning policy terms for treating community-led development any differently to other forms of development coming forward to meet housing need in sustainable locations.
- 2.5 A similar issue arose at the recent Peterborough City Local Plan Examination in respect of the “special position” that Homes England were claiming as a potential developer. The Local Plans manager confirmed in that instance that there was nothing in National Policy that says one landowner should be favoured over another because of whom they are and that no party should get “special treatment”.
- 2.6 Furthermore, it was suggested at the EIP that other developers or Inspectors would have concerns if land was allocated on the basis of whom an owner was. We feel that this is a helpful summary of the normal process of land use planning. The best and most sustainable sites should come forward on their own merits as opposed to on the merits of whom the particular developer or landowner might be.
- 2.7 When looking at the few CLT schemes that have come forward in East Cambridgeshire, the level of community benefits and quantum of affordable housing proposed have not been significantly different to those obtained through the normal planning process and the development impacts have been mitigated in the same manner.
- 2.8 We support the District Council’s drive to secure profits from CLT development to feed back into the provision of services for the district as a whole. However, this is not the primary purpose of land-use planning.

Matter 14: Proposed site allocations- Main Settlements

Soham

- 2.9 In our previous submissions for Matter 2, particularly question 8, we raised concerns about the Local Plan strategy and the assumed market absorption rate for Soham set out in the local plan. We illustrated that the annual requirement from Soham alone over the next five years is actually greater than that achieved in the past five years across the entire district.
- 2.10 Paragraphs 2.7 to 2.23 of our Matter 2 Statement sets out in detail our concerns about an over-reliance on delivery at Soham, particularly in the early years of the plan.
- 2.11 In our view, there is a very strong case to demonstrate that additional allocations are required to provide the plan with greater certainty of delivery, particularly in the early years of the plan.

Matter 15: Proposed site allocations- Large Villages

Issue 1: Whether the proposed site allocations for the Large Villages of Bottisham, Burwell, Fordham, Haddenham, Isleham, Little Downham, Stretham, Sutton and Witchford are justified, effective and consistent with national policy?

Fordham

- 2.12 We are aware that the Examination is not specifically addressing the omission sites at this juncture. However, given the Inspector's interim findings and the inevitable requirement to allocate further sites, we felt that it would be helpful to provide an update on the planning application that we have submitted at Soham Road, Fordham.
- 2.13 The application was originally refused solely on the basis that it was located beyond the settlement boundary. There were no technical or other reasons for refusal offered by Members. In light of the recent Gladman planning appeal at Fordham, and in parallel with our current planning appeal (to be determined by a Hearing on 16th October) Endurance have resubmitted their original planning application.
- 2.14 To date there are no objections from any statutory consultees (which confirms and reinforces the suitability and deliverability of the site). In addition, Fordham Parish Council have raised no objection to the re-submitted application. We would be happy therefore to provide additional information on the site to supplement our original representations if the Inspector felt that this would be of assistance.

Sutton – SUT H2, Land East of Garden Close

a) What is the background to the site allocation? How was it identified and which options were considered? *The site has been considered for allocation at all stages of the local plan. Options for a minor logical extension to the proposed allocation have to date been rejected by officers.*

b) How have the wider transport implications of the proposed development been considered? *These have been considered as part of the local plan evidence base, but more specifically as part of a planning application whereby the Transport Assessment was approved by the County Highway Authority.*

c) What is the scale type/mix of uses proposed? *The Council have proposed that the site is allocated for just 25 dwellings. We have presented a well-designed scheme on a slightly enlarged site for 53 units. Members of planning committee acknowledged that this was an appropriate solution at committee but the scheme was refused **solely** because it was outside the settlement boundary and the Council contended that they had a 5 year land supply.*

d) What is the basis for this and is it justified? *We do not believe that the current allocation boundary or scale of development is appropriate or justified, particularly given the Council's housing land supply position and potential need to provide more allocations as identified in the Inspector's interim findings on phase 1. The exceptional low density is also not an efficient use of land and therefore runs contrary to the expectations of the new NPPF.*

e) What is the current planning status of the site in terms of planning applications, planning permissions and completions/construction? *A planning application has been submitted for the site. It is envisaged to be presented to Planning Committee on 4th October with officer's recommendation for approval. This is a resubmission application (submitted after the Gladman decision) – the previous application was refused by members but solely on the grounds that it was located outside of the settlement boundary and the council contended that they had a five year land supply. There were no technical or other grounds for refusal.*

f) What are the benefits that the proposed development would bring? *Well-designed housing on an allocated site in a sustainable location, along with policy compliant affordable homes and a new nature reserve.*

g) How does the site relate to nearby uses? *It sits comfortably alongside existing established housing and green space, within a defined landscape structure.*

h) What are the potential adverse impacts of developing the sites, including to heritage assets? How could they be mitigated? *None were identified as part of the previous refusal.*

i) How is the site affected by flood risk? How has this been taken into account in allocating the site? How have the sequential and, if necessary, exception tests been applied? *The site is not affected by flood risk. A full FRA has been prepared and signed off by the LLFA and EA.*

j) What are the infrastructure requirements/ costs and are there physical or other constraints to development? How would these be addressed and are they directly related to, necessary and fairly and reasonably related in scale and kind to the development? *There are no physical constraints to development and no abnormal constraints. The agreed s106 package deals with all potential impacts in a fair and reasonable manner.*

k) In particular is there an issue with waste water treatment capacity and how would any issues be resolved? *No – Anglian Water has confirmed the site can be fully accommodated.*

l) Is the site realistically viable and deliverable? *Yes*

m) What is the expected timescale and rate of development and is this realistic? *The site can be delivered quickly given its modest scale and market attractiveness and certainly within the next five years. The Council's proposed trajectory should therefore be changed to reflect the extra numbers.*

n) Is the boundary of the site appropriate? Is there any justification for amending the boundary? *The boundary should be amended to reflect the logical boundaries proposed by the planning application. The current boundary for development is not logical which is evident from a site inspection (see attached Local Plan and Application Plan extracts). The Council's protocol to date has been to amend settlement boundaries in the plan to reflect granted planning permissions – such as the CLT scheme at Haddenham.*

o) Are the detailed policy requirements clear and unambiguous, effective, justified and consistent with national policy? Is it appropriate to defer within the policy to the 'principles established by consented schemes...'? The policy requirements are replicated below for ease of reference with comments against each:

a. Development of the site will be low density, providing approximately 25 dwellings. This will maintain residential amenity and enable mature trees and hedgerows of value to be retained, and responds appropriately to the built character and proximity to the Conservation Area; *The enlarged site for the planning application, as acknowledged at committee and in the officer's report, can accommodate 53 dwellings without impacting upon residential amenity. It makes best use of land in accordance with NPPF (1 and 2). It can meet the Council's amenity standards. The revised layout maintains mature trees and hedgerows. The Design and Access Statement shows how the development responds appropriately to the built character and proximity of the conservation area. With this in mind, we believe that the first sentence is not justified. We have no objection to the last two sentences.*

b. The development should conserve and enhance views of St Andrews Church; *Our proposed scheme takes this into account and accords with this element, so we have no objections.*

c. A site-specific flood risk assessment of the site will be required as part of a planning application. Development of the site should provide betterment, mitigation and management of flood risk, particularly in relation to surface and/or groundwater matters. A full FRA has been submitted which deals with all mitigation and management. Our scheme also provides betterment. However, we are not sure that a local plan policy should seek betterment – that should be a material benefit of the scheme not a policy requirement.

p) Is the terminology used within the relevant site specific policy consistent and clear, for example, 'concept plan'? *No comments. NB. In responding to the questions on the site allocations the Council should identify and address specific key concerns raised in representations e.g. in terms of adverse impacts, delivery etc.*

Matter 16: Proposed site allocations- Medium Villages

Kennett – KEN M1, land to the West of Station Road

- 2.15 We are aware that several parties, most particularly the local residents and both parish councils, have expressed concerns about this allocation. We have not specifically sought to raise objections to the scheme but we do have reservations about its deliverability.
- 2.16 It is evident, by looking at the application responses, that the County Council have concerns about the submitted Transport Assessment. We also note that the scheme is dependent upon an enhanced railway station and although preliminary discussions have taken place with Network Rail operation team, there does not as yet appear to have been any dialogue at all with Network Rail property regarding “shared value” payments (in effect Network Rail’s ransom over the scheme as a result of the need in planning terms to deliver enhanced facilities on Network Rail property – see attached).
- 2.17 A ransom of 33% of the uplift in the value of the land can have a considerable bearing on the deliverability of the scheme and / or the level of affordable housing that can be achieved. Given the nature and location of the scheme and the associated infrastructure requirements, it is likely that the scheme will take longer to deliver and will be less viable than currently envisaged. Increased local plan allocations will however provide the Council with more certainty that its housing targets can be delivered.

Matter 17: Delivering a wide choice of high quality homes

Land Supply

- 2.18 In our responses to Matter 2 we identified that the Council’s current five year trajectory of deliverable and available sites relies upon approximately 43% of all delivery (1,972 dwellings) coming from either existing Local Plan allocations carried forward, or new sites identified by the emerging Local Plan.
- 2.19 These sites must start to deliver by 2019/20 and then provide an unprecedented step change in the rate of new housing delivery in years four and five, none of which, currently have planning permission or site development plans.
- 2.20 Annex 2 of the new NPPF defines deliverable sites as only those which are essentially available for development now. Consequently sites with outline permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site in five years.

- 2.21 We have also identified at Paragraphs 2.7 to 2.23 of our Matter 2 Statement that the land supply trajectory has a disproportionate and totally unrealistic reliance upon major delivery at Soham. This was corroborated by representatives of Soham Town Council at the recent Matter 2 hearing session.
- 2.22 Consequently in the light of the new and more stringent tests of delivery, the former presumptions of the submitted Housing Trajectory are invalid and are no longer fit for purpose.