
North Hertfordshire Examination in Public

Matter 22: The Supply of Land for Housing

September 2020

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Project Ref:	28718/A5/P2/GP/SO	28718/A5/P7/GP/SO
Status:	Draft	Final
Issue/Rev:	01	02
Date:	September 2020	September 2020
Prepared by:	Gareth Pritchard	Gareth Pritchard
Checked by:	Gareth Wilson	Gareth Wilson
Authorised by:	Gareth Wilson	Gareth Wilson

Barton Willmore
St Andrews House
St Andrews Road
Cambridge
CB4 1WB

Tel: 01223 345 555

Ref: 28718/A5/P7/GP/SO
File Ref: 28718.P7.MS22.GP
Date: September 2020

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CONTENTS

- 1.0** Introduction
- 2.0** Question 1: The Overall Land Supply for Housing
- 3.0** Question 2: The Five-Year Housing Land Supply
- 4.0** Summary and Conclusion

APPENDICIES

Appendix 1: Main Modifications Representations January – April 2019

Appendix 2: Matters, Issues and Questions Consultation Response – February 2020

1.0 INTRODUCTION

1.1 This statement has been prepared by Barton Willmore LLP on behalf of Croudace Homes Limited ('Croudace') which holds interests in several sites proposed for allocation within the draft Local Plan. These sites include:

- NS1 – North of Stevenage: Policy SP16;
- GA1 – Land at Roundwood (Graveley Parish): Policy GA1; and
- GA2 – Land off Mendip Way, Great Ashby: Policy SP18.

1.2 This statement is prepared pursuant to Matter 22 – the supply of land for housing. This follows main modification representations made by Croudace between 3 January 2019 and 11 April 2019 regarding their land interests across the district (**Appendix 1**), and previous statements regarding Matter 22 during the Matters, Issues and Questions consultation January – February 2020 (**Appendix 2**).

1.3 This statement addresses the questions raised by the Inspector through the Updated Schedule of Further Matters, Issues and Questions dated August 2020. This follows updated information made available by the Council following a review of their housing land supply included in ED191B.

2.0 QUESTION 1: THE OVERALL LAND SUPPLY FOR HOUSING

Is reducing the overall housing requirement to 13,000 and undertaking an early review of the Local Plan, the most appropriate way forward? If not, why not?

- 2.1 We agree with the Council's position that this is the most appropriate way forward. The protracted Local Plan preparation and examination has reduced the housing delivery from the start of the plan period, leading to a shortfall. This has been exacerbated by the fact that planning applications on draft allocations continue to be resisted on Green Belt land pending the outcome of the Local Plan examination. This uncertainty in the examination process, combined with the need to positively review Green Belt boundaries, has meant site promoters/developers have not had the confidence to bring forward applications, or where they have the Council has been unable to determine sites proposed for allocation as they do not meet the very special circumstances for developing on the Green Belt as set out in the National Planning Policy Framework 2019 (NPPF2).
- 2.2 Adopting the Plan now with a commitment to an early review will enable the Council to make planning decisions positively and allow existing applications for sites proposed for allocation currently in the Green Belt to be determined.
- 2.3 Croudace welcomes the Council's position not to remove any draft allocated sites from the Plan. The reduction in delivery over the Plan period (2011-3031) arises primarily from the forecasted completion of strategic sites being delayed as a result of protracted plan preparation, with some of the dwellings on these sites now stretching beyond 2031. Furthermore, the 13,000 should be clearly articulated as a minimum requirement over the plan period.
- 2.4 Croudace notes the Council's position to commit to an early whole-plan review. This would appear to be a pragmatic response to the circumstances, which strikes the right balance between catering for housing needs in the short and medium term whilst also providing for a vehicle to consider longer term needs.
- 2.5 It is considered that the above is essential to progressing the Plan and managing the inevitable challenge presented by Green Belt.

If the housing requirement should be modified to 13,000 dwellings, should the supply of housing sites proposed in the Local Plan also be reduced? If so, how?

- 2.6 No modifications need to be made to the proposed housing allocations. It is essential to positively plan with the use of a buffer over the plan period. We note that the Council has not actively sought a buffer figure, rather the buffer of 13% in this case is as a result of the site selection and allocation process which seeks to plan in a sound spatial way. A buffer size is a matter for planning judgement but a number of reasons for one are outlined below.
- 2.7 *Economic Climate and Covid-19:* The full economic impacts of Covid-19 are not yet fully understood, as noted by the Council in ED191B. As such, there needs to be an element of flexibility built into allocations through a buffer to ensure the Council are able to maintain a five-year land supply of housing should certain sites not deliver as anticipated.
- 2.8 *Choice and Flexibility:* The Council is correct at paragraph 29 of their statement (ED191B) that constraining allocations to only meet the identified housing need only serves to reduce choice and flexibility. This would pose a clear risk to an authority with a consistent record for under delivery.
- 2.9 *Spatial Planning:* The Council's position is that the buffer is not an active policy choice, rather it is as a product of their site selection and allocation process. The Council are only able to assess sites put forward as part of the Call for Sites process and the selection process should not seek to artificially constrain housing numbers of these sites. The selection of large strategic sites in particular ensure delivery of housing over a long period, and cover plan review periods helping to ensure a long-term five year land supply which will allow the Council the make decisions in accordance with a plan-led system.
- 2.10 Furthermore, the allocations are all reasonable, sound and have been justified through evidence by the Council.
- 2.11 If allocations are reduced and in requiring the Council to enter into an early review, the Council is unlikely to find more suitable sites for development, and in removing sites now it would only serve to push this issue into a future plan period and create further uncertainty.

Is a 'buffer' of around 13% an appropriate approach? If not, why not?

- 2.12 The application and extent of a buffer is a matter of planning judgement as noted by the Council in paragraph 27 of their statement (ED191B). Croudace believes that the buffer is appropriate for the following reasons.
- 2.13 Artificially constraining site allocations to achieve 13,000 homes is counterproductive and would prevent the Council from delivering homes that are needed. Housebuilders should be given flexibility to respond to demands within allocations. *Compton Parish Council & Ors v Guildford Borough Council & Anor* [2019] EWHC 3242 (Admin) (para 96) is one such case which demonstrates that allocations should not be artificially constrained to meet a specific housing need.
- 2.14 Given the economic climate as a result of Covid-19 and the under delivery of the Council, a reasonable buffer should be built in as highlighted above. 13% is considered to be a modest buffer.

If there is a 'buffer' of around 13%, do the exceptional circumstances required for the 'release' of land from the Green Belt for housing development exist?

- 2.15 Croudace believe that exceptional circumstances required for the 'release' of land from the Green Belt for housing development exist when the 13% buffer is included.
- 2.16 The release of Green Belt with a buffer has taken place within other Local Plan reviews including Guildford with a c.40% buffer. The Guildford case was heard at the High Court and the 40% buffer considered acceptable and still justified exceptional circumstances. The buffer in this instance is considerably less than the Guildford case.
- 2.17 In the case of *Compton Parish Council & Ors v Guildford Borough Council & Anor* [2019] EWHC 3242 (Admin), and as highlighted above the process is iterative and that it is not as simple as defining the housing need and deciding where to meet it.
- 2.18 The Council has provided clear evidence through the process which demonstrate that exceptional circumstances exist to release land from Green Belt, and for brevity these are not repeated again. The buffer is as a result of the positive approach the Council have undertaken to allocate sites. The buffer is not a specific policy requirement and has been generated through the site assessment and allocation process, which has demonstrated a holistic approach demonstrating exceptional circumstances.

2.19 Furthermore, as in the case of *Compton Parish Council & Ors v Guildford Borough Council & Anor* [2019] EWHC 3242 (Admin) it is considered in paragraph 105 of that judgment that the prospect of delivering housing over the objectively assessed need can contribute to exceptional circumstances. This may be where there is pressing affordability issues as highlighted in our statement on Matter 21 or to contribute towards wider exceptional circumstances justifying release.

3.0 QUESTION 2: THE FIVE-YEAR HOUSING LAND SUPPLY

Are the Council's calculations correct/accurate?

3.1 Croudace agrees with the Council's calculations and considers them to be accurate.

All of the approaches used by the Council assume that the buffer required by paragraph 47 of the NPPF should be 20% - that is to say, that that there has been a record of persistent under-delivery of housing in the District. Has there been, such that the 20% buffer is the most appropriate?

3.2 Croudace agrees that the Council's prolonged and consistent under-delivery of housing across the district is such that that 20% buffer is the most appropriate. This is consistent with the approach of authorities across the country and NPPF2 which requires a 20% buffer to be used when delivery falls below 85% below target. While we acknowledge this plan is not examined against the NPPF2, it is a material consideration and the Council have continually delivered less than 85% of its target for a number of years. This has result in a current five-year land supply of 2.2 years.

Is the 'three-stepped approach' proposed by the Council the most appropriate method for setting the five year housing land requirement? If not, why not?

3.3 Croudace agrees that the three-stepped approach in relation to this specific examination is the most appropriate to allow the Council to adopt a five-year land supply for housing, and for it and developers to move forward positively under a plan-led approach.

Is one of the other approaches to setting the five year housing land requirement explored in ED191B, or another approach entirely, more appropriate?

3.4 Croudace does not believe that any of the other approaches set out by the Council would be more appropriate.

4.0 SUMMARY AND CONCLUSIONS

- 4.1 This statement has been produced on behalf of Croudace in relation to a number of its land interests across the district.
- 4.2 Croudace supports the Council's position that the best way to provide certainty under a plan-led system is to adopt a pragmatic position on the matter of land supply for housing. It is clear that due to the extent of Green Belt covering the district, the Council has been unable to deliver an appropriate level of housing for a number of years, leading to a chronic under supply of housing land.
- 4.3 Croudace supports an early review of the plan and the amendment to the housing requirement to deliver a minimum of 13,000 over the plan period. It also strongly agrees with the Council's assertion that a 13% buffer is entirely appropriate given the need for choice and flexibility, the Council's track record on delivery and significant issues around affordability. Furthermore, it is not as simple as taking a housing need figure and choosing where to allocate sites. The Council are only able to plan with the sites that come forward and have demonstrated how they have done this through the strongest spatial planning option.
- 4.4 The use of a buffer when releasing sites from Green Belt has been considered in cases such as Guildford, who had a far greater buffer (40%) than the Council are proposing in this instance. The High Court case relating to Guildford was clear that additional housing above the objectively assessed need could contribute to exceptional circumstances particularly where there were issues around affordability as there are in North Hertfordshire. Furthermore, they recognised that a buffer is often generated through the creation of a spatial planning strategy across a council area, which justifies exceptional circumstances through a number of inputs. It is therefore considered that a buffer is entirely appropriate and that no sites need or should be removed from the proposed plan.

APPENDIX 1

Main Modifications Representations

January – April 2019

North Hertfordshire Local Plan

Comments on Main Modifications published January 2019

1. [Introduction](#)

- 1.1 These representations are submitted by Croudace Homes Limited (hereafter “Croudace”), which has interests in a number of sites proposed for allocation in the draft Local Plan.

2. [Main Modification 14](#)

- 2.1 Croudace notes that the policy has been clarified at criterion (d) of policy SP3 in respect of housing sites on the edge of the district needing to identify an appropriate amount of employment land to be included on such sites.
- 2.2 In the case of site NS1 at North Stevenage, which is under Croudace’s control, we observe that the level of housing and other facilities identified for the site in Policy NS1 already make efficient use of the site. We would not want this policy to be used to impose significant additional requirements for employment land into edge of district sites such as NS1 over and above those set out in the site-specific policies, as that may lead to over-development of the site.
- 2.3 We believe that any employment-generating development at NS1 will most likely be through employment associated with a new neighbourhood centre, which may mostly fall under use classes other than the B classes which are the main focus of Policy SP3.
- 2.4 As far as we can tell, no quantified allowance for new employment land delivered from such major housing-led developments has been made. For the avoidance of doubt over how this policy is intended to be applied, we would welcome a further clarification, perhaps in the supporting text of Policy SP3 (which does not appear to discuss the issue of employment land within the housing allocations). We suggest such a clarification should say that the amount of employment land likely to be delivered from the major new developments is not anticipated to be substantial and should not compromise the delivery of the site-specific requirements set out for each site.

3. [Main Modifications 17 and 20](#)

- 3.1 The figure of 6,800m² of retail floorspace has been added to policy SP4 for the amount of floorspace to be delivered from the ‘urban extensions’. This term is not used in the other policies of the plan, and it is not clear which sites are included in this term. The amendments to the supporting text to policy SP4 seem to suggest that only the developments at Baldock and on the edge of Luton are considered ‘urban extensions’ for the purposes of this policy. This contradicts the North Herts Local Local Plan Retail Capacity and Allocations Briefing Note (Lichfields, Dec 2018) appended to ED117, which provides a different list of urban extension at page 24, comprising North Baldock, North Letchworth, Highover Farm at Hitchin, Great Ashby and East of Luton. This again appears to conflict with the Retail Study of 2016 (E1), which at paragraph 5.45 lists North of Stevenage as an urban extension.
- 3.2 The plan would therefore benefit from some further clarity as to which sites are expected to make up the 6,800m² of retail as the ‘urban extensions’. As the promoters of the North Stevenage site, we believe the supporting text to SP4 is correct not to include North

Stevenage, as we anticipate the retail component of this scheme will be relatively modest, subject to the retail assessment sought for that site under Policy SP16.

4. [Main Modification 35](#)

- 4.1 The change to section (c)(i) to record completions and permissions since 2011 and other allowances as 3,970 homes rather than 4,340. We have no evidence on which to dispute this change, but it would assist interpretation of the plan if it specified the origin of that figure and the date up to which planning permissions have been counted. Looking back through the examination documents, ED3 appears to contain an update to a base date of 1 April 2017, but the plan itself does not appear to make explicit the base date used.

5. [Main Modifications 45, 46 and 144](#)

- 5.1 These modifications clarify the references to the Nationally Described Space Standards in policies SP9 and D1. We have no objection in principle to the optional Nationally Described Space Standards, but their incorporation into the plan needs to be supported by evidence that they will not adversely affect the delivery of new housing. As far as we can see, the evidence put forward in support of this policy comprises:
- i) a review of a number of planning applications as HOU12: Technical Housing Standards Review, considering the extent to which a number of recent schemes in the district have complied with the standards anyway despite them not being required; and
 - ii) consideration of the viability of such development as part of TI2: Local Plan Viability Assessment Update.
- 5.2 Neither of these evidence documents appears to address the question of whether the capacity of sites would be reduced as a consequence of requiring these standards to be met.
- 5.3 HOU12 indicates that three of the ten schemes it assessed fully complied with the standards, but it is worth noting that two of these (The Node, Codicote and Angel Pavement, Royston) were conversions of existing buildings, such that the size of the original building was the major determining factor, and the other (Walkdens) was an affordable housing scheme, to which the affordable housing provider's standards already applied.
- 5.4 Only two of the ten schemes assessed (Station Road, Ashwell and Ivy Farm, Royston) were for substantial new build edge of settlement housing schemes, and neither of these were found to fully comply with the space standards. A significant majority of the housing supply allocated in the draft Local Plan is from such edge of settlement sites.
- 5.5 We are concerned that the requirement in Policy D1(d) to meet or exceed the Nationally Described Space Standard may have the unintended effect of reducing the capacity of some of the sites allocated for development, which may undermine the overall level of housing delivery sought across the district. We would therefore suggest that in order to be effective, Policy D1(d) should allow for some flexibility in how the standard is applied, perhaps by adding wording to D1(d) to the effect that "unless it can be demonstrated that strict adherence to the policy would significantly reduce the dwelling capacity of that site".

6. [Main Modification 57](#)

- 6.1 The requirement for masterplanning of the strategic sites is reasonable. Our only comment on this modification is that the mechanism for producing such masterplans is unclear. The proposed wording suggests that a masterplan could be prepared before the submission of an outline planning application, but goes on to say that the masterplan "...will be secured through conditions and / or a legal agreement." If the masterplan is prepared ahead of an outline planning application by some separate process, how can conditions and legal agreements be attached to it?
- 6.2 We believe it may be clearer if the wording referred instead to the possibility that work on such masterplans could be begun ahead of submitting an outline planning application, but that it is at the determination of the outline planning permission that the masterplan will be confirmed as agreed and conditions and legal agreements attached as required.

7. [Main Modifications 68 and 70](#)

- 7.1 These modifications clarify some of the requirements set out in Policy SP16 for the site NS1 at North Stevenage, which is under the control of Croudace. We broadly support the clarifications, which are mostly reasonable.
- 7.2 Our main concern is that the new requirement in criterion b(i) of Policy SP16 for 2 forms of entry of primary-age education provision may be too precise, given that the level of education provision sought in this area continues to be assessed, partly in response to the planning application submitted on the adjoining site to the south in Stevenage Borough. We'd therefore suggest in this criterion replacing the word ensuring with "or such other level of provision as is demonstrated to ensure".
- 7.3 In the supporting text added after paragraph 4.196 it is suggested that 1,300m² of retail floorspace could be included within the site. It is not clear whether this figure has been counted within the 6,800m² of additional retail floorspace in the urban extensions sought under Policy SP4 (and discussed in our comments on Main Modifications 17 and 20, above). We are happy to carry out an assessment of local retail requirements to inform the scheme here, which will need to take into account the relationship between this site, the neighbouring scheme in Stevenage Borough and the relatively close proximity of the major supermarket at Coreys Mill. At this stage we cannot guarantee that 1,300m² of retail floorspace could be delivered on this site. We have some concerns that a small shop or parade of that scale may struggle to establish itself given the local context.

8. [Main Modification 69](#)

- 8.1 We have no objection to this proposed modification clarifying that the transport effects of Site NS1 should consider impacts on the surrounding area including Graveley village.

9. [Main Modification 79](#)

- 9.1 The new supporting text suggests that Site GA2 will need to take into account impacts upon Back Lane and Church Lane leading from Great Ashby to Graveley. There is a draft allocated site much closer to Back Lane and Church Lane, being GA1, owned by Croudace. As part of our proposals for that site we are proposing the closure of a section of the lane and its diversion through the GA1 site, combined with other measures to minimise the level of

traffic using the section of lane leading towards Graveley village. Any assessment of impacts on the lane for the more distant GA2 site will therefore need to take into account the changes likely to be implemented to the lane as part of our GA1 scheme.

10. [Main Modification 130](#)

- 10.1 This modification indicates that “where appropriate” the legal agreements securing affordable housing will include mechanisms to ensure that those with local connections are given priority in the allocation of affordable homes. The new wording then discusses schemes outside the main towns, but appear to be silent on whether the council would seek such local connection mechanisms for schemes in the main towns.
- 10.2 Whilst we understand the political motivation behind having local connection allocations mechanisms, they need to be applied carefully. The overall level of housing catered for in North Hertfordshire in this plan is not justified solely on the basis of the natural change in the local population. The objectively assessed need for housing also includes a continuing level of net migration into the district. Such people who are looking to migrate into North Hertfordshire may struggle to demonstrate a local connection.
- 10.3 A substantial majority of the affordable housing likely to be delivered in the district will be through the proportion of affordable housing secured on larger developments provided by private developers. These developers will generally look to sell the completed affordable homes to a registered provider of affordable housing. Any limitations on the people to whom the registered providers would be able to let the homes will have a bearing on how much the registered providers are able to pay for the affordable homes on any given scheme. This will then have knock-on effects on the viability of schemes as a whole. We believe it would be counter-productive if overly-strict application of a local connection mechanism led to a reduced level of affordable housing being provided on any given site.
- 10.4 We would therefore suggest that any such local connection mechanisms should be constructed in such a way that does not reduce the attractiveness of the affordable housing to affordable housing providers active in the area. Alternatively, it should be clarified that such local connection policies are not appropriate for schemes in the main towns.

11. [Main Modifications 134 and 135](#)

- 11.1 The change to the supporting text in MM135 does help set out some possible ways that the accommodation for older people sought in Policy HS4 could be provided. However, further clarity would also be beneficial. If “a modest number of bungalows that meet accessible and adaptable standards” is one way of complying with the policy, do these main modifications imply that such bungalows also have to be somehow reserved as only available for older people? We would not support further restrictions on the occupation of the open market element of schemes. We are happy to include such units within the dwelling mix so as to increase their supply generally in the area. However, we do not see a policy or evidential basis to justify why such dwellings would have to be limited to older persons; people have many reasons for wanting a single storey or otherwise more accessible homes, not all to do with their age.

12. [Main Modification 202](#)

- 12.1 Croudace controls the site proposed to be allocated under Policy AS1. We do not support the unqualified wording “retain existing boundary hedgerows” being inserted into the policy. Whilst we support the retention of boundary hedgerows in general, on this site it is necessary to remove a short section of the hedgerow fronting Claybush Road in order to provide suitable vehicular access (as we have demonstrated as part of our planning application 16/01797/1).
- 12.2 We would suggest that a better form of wording may be “retain existing boundary hedgerows between the site and the adjoining fields and existing residential properties, with any loss of hedgerow required on the highways frontage for access purposes kept to a minimum and appropriately mitigated”.

13. [Main Modifications 237 and 239](#)

- 13.1 Croudace owns the site proposed to be allocated under Policy GA1.
- 13.2 Whilst we have no objection to ‘having regard’ to the Stevenage Mobility Strategy, it should be noted that there is the potential for conflict between the policies it contains and those of the North Hertfordshire Local Plan. This is particularly the case on parking standards, where the Stevenage Mobility Strategy refers to policies from the Stevenage Parking Provision SPD (2012), which includes maximum parking standards, whereas the North Hertfordshire standards contained in Appendix 4 to the Local Plan as proposed to be modified are expressed as minimum standards.
- 13.3 For some situations, the maximum Stevenage level of parking is lower than the minimum North Hertfordshire level of parking. For example, 2 bedroom homes under the Stevenage policy should have no more than 1.5 spaces per dwelling, whereas the North Hertfordshire policy is that such homes should have at least 2 spaces per dwelling. It is therefore not possible to fully comply with both.

14. [Main Modification 244](#)

- 14.1 The identified requirement for two additional GPs across the three allocations north of Stevenage area does not seem unreasonable. The precise mechanism of how such costs would be determined, apportioned and distributed will need to be established through the planning applications. We would not want the first development in this area to be saddled with costs that should be ultimately be shared by the three major sites between them.

15. [Main Modification 311](#)

- 15.1 The modifications to Policy LG20 for the Gernon Road site in Letchworth move away from the previous wording about “main town centre uses” to restricting the ground floor to be uses within A1, A3, A4 and A5. Although Croudace does not yet have an interest in this site, we have been investigating the possibility of developing part of the site for a mixed office and residential scheme, which we believe would provide an appropriate mix for the area.
- 15.2 We do not believe this is an area which lends itself to A1, A3, A4 or A5 uses given its comparatively peripheral edge of town centre location. Conversely, we believe such edge of town centre sites would lend themselves well to some new office floorspace, which would support the retail function of the town centre by increasing the daytime population of the

town centre. We would therefore prefer the original wording in this policy regarding “main town centre uses” be kept, instead of the proposed modification specifying A1, A3, A4 and A5 uses. Alternatively, we would ask that B1 office space be listed as an additional use class which would be acceptable at ground floor level on this site.

16. [Main Modification 313](#)

- 16.1 Linked to our comments on MM313, we believe there is an important role for office floorspace (retained and / or new) within the town centre of Letchworth. Office workers provide a daytime population for the town centre, and therefore make an important contribution towards the vitality of town centres. This is particularly so with the level of office to residential conversion seen in recent years. We understand that much of the Council’s evidence has focussed on retail floorspace needs, although this is a highly volatile sector at present. In the final sentence of this modification we suggest adding after “retail projections” the words “and the level of office space in the town centre”.

17. [Main Modifications 355 and 356](#)

- 17.1 Croudace owns the site at Whitwell proposed to be allocated under Policy WH1 (formerly site SP2). The supporting text has been modified to acknowledge that planning permission has now been granted for this site, which is correct. As discussed in our comment on MM035, the base date for the plan’s stock of planning permissions does not appear to be explicitly set out, but we presume that there is no double counting between the council’s list of permissions and sites such as this one, which are still proposed for allocation despite now having permission.
- 17.2 It is proposed to add to the policy wording about preventing unnecessary mineral sterilisation. We believe this wording is not necessary. The issue of potential mineral sterilisation was considered in the appeal relating to this site (APP/X1925/W/14/3168114) and at paragraph 46 the Inspector for that appeal concluded that “development of this site would not have any significant impact to future mineral extraction in this area”.

APPENDIX 2

**Matters, Issues and Questions
Consultation Response – February 2020**

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Issue/Rev:	01	02
Date:	February 2020	February 2020
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Checked by:	Gareth Wilson	Gareth Wilson
Authorised by:	Gareth Wilson	Gareth Wilson

Barton Willmore
St Andrews House
St Andrews Road
Cambridge
CB4 1WB

Tel: 01223 345 555

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CONTENTS

- 1.0 Introduction
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Appendix 1: Main Modifications Representations January – April 2019

1.0 INTRODUCTION

1.1 This statement has been prepared by Barton Willmore LLP on behalf of Croudace Homes Limited ('Croudace') which has have interests in several sites proposed for allocation within the draft Local Plan. These sites include:

- NS1 – North of Stevenage: Policy SP16;
- GA1 – Land at Roundwood (Graveley Parish): Policy GA1; and
- GA2 – Land off Mendip Way, Great Ashby: Policy SP18.

1.2 This statement is pursuant to Matter 22 – the supply of land for housing. This follows main modification representations made by Croudace between 3 January 2019 and 11 April 2019 in regard to their land interests across the district (**Appendix 1**).

1.3 This statement addresses the questions raised by the Inspector in the Schedule of Further Matters, Issues and Questions, dated January 2020 under the subheadings 'the overall supply of land for housing' and 'the five-year housing land supply'.

2.0 QUESTION 1: THE OVERALL SUPPLY OF LAND FOR HOUSING

Is reducing the overall housing requirement, and undertaking an early review of the Local Plan, the most appropriate way forward? If not, why not?

- 2.1 We agree with the Council's position that this is the most appropriate way forward. The protracted Local Plan preparation and examination has affected the amount of development which can be expected to be delivered over the plan period. This is most apparent in the significant shortfall in housing delivery from the start of the plan period. The uncertainty in the examination process, combined with the need to positively review Green Belt boundaries, has meant site promoters/developers have not had the confidence to bring forward applications, or where they have the Council has been unable to determine sites proposed for allocation as they do not meet the very exceptional circumstances for developing on the Green Belt as set out in the National Planning Policy Framework (NPPF) 2019.
- 2.2 Croudace believes that in allowing the Council to move forward with adopting the plan and thereby confirming the changes to Green Belt boundaries it contains it will result in significantly improved decision-taking. It would allow existing applications for sites proposed for allocation currently in the Green Belt to be determined.
- 2.3 Croudace welcome the Council's position not to remove any draft allocated sites from the Plan, and that the reduction in proposed delivery arises solely from the forecast completion of strategic sites now stretching beyond 2031 (end of the plan period), due in part as a result of the protracted examination.
- 2.4 Croudace notes the Council's position to an early whole-plan review. We believe that while this is a positive step, the now relatively short plan period left from the likely adoption point (less than 11 years), and chronic housing need, means that the process should be accelerated and that the Council should commence a whole-plan review within one year of plan adoption or by the end of 2021 whichever is sooner.
- 2.5 It is considered that the above would be a pragmatic approach to progressing the Plan and managing the inevitable challenge presented by Green Belt.

Is the selection of additional land for housing from previously identified sources the most appropriate way forward? If so, why?

2.6 It is unlikely that the Council will find additional land that is more suitable for development than those appraised through the planning-making process to date. As the Council has highlighted in its latest five-year land supply note to the Inspector, sites not carried forward were largely:

- Sites in villages already considered to be receiving an appropriate maximum of development from other proposed allocations; or
- In areas of flood risk that would be subject to sequential and exception tests set out in national policy.

2.7 It therefore follows that the selection of additional land is likely to be unfruitful and only result in further delays.

Is the identification and selection of additional land for housing the most appropriate way forward? If so, why?

2.8 We do not believe that a process of seeking to identify and select additional land for housing is the most appropriate way forward. The delays such an exercise would cause to the adoption of the Plan would have further delaying effects on the delivery of the sites which are proposed for allocation, including some (such as Croudace's Roundwood scheme for 360 homes at draft allocation GA1) where there are live planning applications awaiting the adoption of the Plan before they can be favourably determined. In deciding whether or not to seek additional sites, the effect of these delays on the delivery of sites already proposed for allocation must be taken into account. Croudace do not believe the marginal potential improvement to the Plan which may theoretically arise if further sites could be found would outweigh the negative impact on the delivery of housing to meet needs in the area in the meantime.

2.9 It is considered that any new site identification work would result in further significant and unacceptable delays. A requirement to conduct a further call for sites consultation would require proper consideration of alternatives and a need to carry out further appropriate testing (eg transport) adding to delays. Furthermore, as a result of the call for sites exercise the Sustainability Appraisal and other documents which form the evidence base require updating, including the Green Belt Review.

2.10 In addition, further examination hearings would be required leading to delay. Croudace considers that this process would be better managed through an earlier review of the Plan that outlined by the Council.

Are there any other possible options that would be more appropriate? If so, what are they and why would they be more appropriate than the path suggested by the Council?

- 2.11 The Inspector should secure an immediate early Plan review with submission to the Secretary of State no later than three years from adoption. No further action is considered necessary.

3.0 QUESTION 2: THE FIVE-YEAR HOUSING LAND SUPPLY

Are the Council's calculations correct/accurate?

- 3.1 Croudace agrees with the Council's calculations and considers them to be accurate.

All of the approaches used by the Council assume that the buffer required by paragraph 47 of the NPPF should be 20% - that is to say, that there has been a record of persistent under-delivery of housing in the district. Has there been, such that the 20% buffer is the most appropriate?

- 3.2 Croudace agrees that the Council's prolonged and consistent under-delivery of housing across the district is such that that 20% buffer is the most appropriate.

Is the 'three-stepped approach' proposed by the Council the most appropriate method for setting the five-year housing land requirement? If not, why not?

- 3.3 Croudace agrees that the three-stepped approach in relation to this specific examination is the most appropriate to allow the Council to adopt a five-year land supply for housing, and for it and developers to move forward positively under a plan-led approach.

Is one of the other approaches to setting the five-year housing land requirement explored in the Council's note, or another approach entirely, more appropriate? Is so, why?

- 3.4 Croudace does not believe that any of the other approaches set out by the Council would be more appropriate.

4.0 SUMMARY AND CONCLUSION

- 4.1 This statement has been prepared on behalf of Croudace in relation to a number of its land interests in the district.
- 4.2 Croudace supports the Council's position that the best way to provide certainty under a plan-led system is to adopt a pragmatic position on the matter of land supply for housing. It is clear that due to the extent of Green Belt covering the district, the Council has been unable to deliver an appropriate level of housing for a number of years, leading to a chronic under supply of housing land.
- 4.3 The allocation of land from the original call for sites exercise or conducting a new call for sites exercise and updating evidence bases associated with that would exacerbate the existing under-delivery of housing in North Hertfordshire. It would also increase concerns around affordability across the district.
- 4.4 It is clear that the Council's position should be to allow land to be released from the Green Belt for housing. This in turn allows the Council to grant the applications on currently draft allocated Green Belt sites which they are unable to determine positively due to an absence of very exceptional circumstances at this point in time.
- 4.5 Croudace supports the Council's position for an early review of the Plan. However, it is suggested this process is immediate upon adoption of this Plan.

APPENDIX 1

Main Modifications Representations

January – April 2019

North Hertfordshire Local Plan

Comments on Main Modifications published January 2019

1. [Introduction](#)

- 1.1 These representations are submitted by Croudace Homes Limited (hereafter “Croudace”), which has interests in a number of sites proposed for allocation in the draft Local Plan.

2. [Main Modification 14](#)

- 2.1 Croudace notes that the policy has been clarified at criterion (d) of policy SP3 in respect of housing sites on the edge of the district needing to identify an appropriate amount of employment land to be included on such sites.
- 2.2 In the case of site NS1 at North Stevenage, which is under Croudace’s control, we observe that the level of housing and other facilities identified for the site in Policy NS1 already make efficient use of the site. We would not want this policy to be used to impose significant additional requirements for employment land into edge of district sites such as NS1 over and above those set out in the site-specific policies, as that may lead to over-development of the site.
- 2.3 We believe that any employment-generating development at NS1 will most likely be through employment associated with a new neighbourhood centre, which may mostly fall under use classes other than the B classes which are the main focus of Policy SP3.
- 2.4 As far as we can tell, no quantified allowance for new employment land delivered from such major housing-led developments has been made. For the avoidance of doubt over how this policy is intended to be applied, we would welcome a further clarification, perhaps in the supporting text of Policy SP3 (which does not appear to discuss the issue of employment land within the housing allocations). We suggest such a clarification should say that the amount of employment land likely to be delivered from the major new developments is not anticipated to be substantial and should not compromise the delivery of the site-specific requirements set out for each site.

3. [Main Modifications 17 and 20](#)

- 3.1 The figure of 6,800m² of retail floorspace has been added to policy SP4 for the amount of floorspace to be delivered from the ‘urban extensions’. This term is not used in the other policies of the plan, and it is not clear which sites are included in this term. The amendments to the supporting text to policy SP4 seem to suggest that only the developments at Baldock and on the edge of Luton are considered ‘urban extensions’ for the purposes of this policy. This contradicts the North Herts Local Local Plan Retail Capacity and Allocations Briefing Note (Lichfields, Dec 2018) appended to ED117, which provides a different list of urban extension at page 24, comprising North Baldock, North Letchworth, Highover Farm at Hitchin, Great Ashby and East of Luton. This again appears to conflict with the Retail Study of 2016 (E1), which at paragraph 5.45 lists North of Stevenage as an urban extension.
- 3.2 The plan would therefore benefit from some further clarity as to which sites are expected to make up the 6,800m² of retail as the ‘urban extensions’. As the promoters of the North Stevenage site, we believe the supporting text to SP4 is correct not to include North

Stevenage, as we anticipate the retail component of this scheme will be relatively modest, subject to the retail assessment sought for that site under Policy SP16.

4. [Main Modification 35](#)

- 4.1 The change to section (c)(i) to record completions and permissions since 2011 and other allowances as 3,970 homes rather than 4,340. We have no evidence on which to dispute this change, but it would assist interpretation of the plan if it specified the origin of that figure and the date up to which planning permissions have been counted. Looking back through the examination documents, ED3 appears to contain an update to a base date of 1 April 2017, but the plan itself does not appear to make explicit the base date used.

5. [Main Modifications 45, 46 and 144](#)

- 5.1 These modifications clarify the references to the Nationally Described Space Standards in policies SP9 and D1. We have no objection in principle to the optional Nationally Described Space Standards, but their incorporation into the plan needs to be supported by evidence that they will not adversely affect the delivery of new housing. As far as we can see, the evidence put forward in support of this policy comprises:
- i) a review of a number of planning applications as HOU12: Technical Housing Standards Review, considering the extent to which a number of recent schemes in the district have complied with the standards anyway despite them not being required; and
 - ii) consideration of the viability of such development as part of TI2: Local Plan Viability Assessment Update.
- 5.2 Neither of these evidence documents appears to address the question of whether the capacity of sites would be reduced as a consequence of requiring these standards to be met.
- 5.3 HOU12 indicates that three of the ten schemes it assessed fully complied with the standards, but it is worth noting that two of these (The Node, Codicote and Angel Pavement, Royston) were conversions of existing buildings, such that the size of the original building was the major determining factor, and the other (Walkdens) was an affordable housing scheme, to which the affordable housing provider's standards already applied.
- 5.4 Only two of the ten schemes assessed (Station Road, Ashwell and Ivy Farm, Royston) were for substantial new build edge of settlement housing schemes, and neither of these were found to fully comply with the space standards. A significant majority of the housing supply allocated in the draft Local Plan is from such edge of settlement sites.
- 5.5 We are concerned that the requirement in Policy D1(d) to meet or exceed the Nationally Described Space Standard may have the unintended effect of reducing the capacity of some of the sites allocated for development, which may undermine the overall level of housing delivery sought across the district. We would therefore suggest that in order to be effective, Policy D1(d) should allow for some flexibility in how the standard is applied, perhaps by adding wording to D1(d) to the effect that "unless it can be demonstrated that strict adherence to the policy would significantly reduce the dwelling capacity of that site".

6. [Main Modification 57](#)

- 6.1 The requirement for masterplanning of the strategic sites is reasonable. Our only comment on this modification is that the mechanism for producing such masterplans is unclear. The proposed wording suggests that a masterplan could be prepared before the submission of an outline planning application, but goes on to say that the masterplan "...will be secured through conditions and / or a legal agreement." If the masterplan is prepared ahead of an outline planning application by some separate process, how can conditions and legal agreements be attached to it?
- 6.2 We believe it may be clearer if the wording referred instead to the possibility that work on such masterplans could be begun ahead of submitting an outline planning application, but that it is at the determination of the outline planning permission that the masterplan will be confirmed as agreed and conditions and legal agreements attached as required.

7. [Main Modifications 68 and 70](#)

- 7.1 These modifications clarify some of the requirements set out in Policy SP16 for the site NS1 at North Stevenage, which is under the control of Croudace. We broadly support the clarifications, which are mostly reasonable.
- 7.2 Our main concern is that the new requirement in criterion b(i) of Policy SP16 for 2 forms of entry of primary-age education provision may be too precise, given that the level of education provision sought in this area continues to be assessed, partly in response to the planning application submitted on the adjoining site to the south in Stevenage Borough. We'd therefore suggest in this criterion replacing the word ensuring with "or such other level of provision as is demonstrated to ensure".
- 7.3 In the supporting text added after paragraph 4.196 it is suggested that 1,300m² of retail floorspace could be included within the site. It is not clear whether this figure has been counted within the 6,800m² of additional retail floorspace in the urban extensions sought under Policy SP4 (and discussed in our comments on Main Modifications 17 and 20, above). We are happy to carry out an assessment of local retail requirements to inform the scheme here, which will need to take into account the relationship between this site, the neighbouring scheme in Stevenage Borough and the relatively close proximity of the major supermarket at Coreys Mill. At this stage we cannot guarantee that 1,300m² of retail floorspace could be delivered on this site. We have some concerns that a small shop or parade of that scale may struggle to establish itself given the local context.

8. [Main Modification 69](#)

- 8.1 We have no objection to this proposed modification clarifying that the transport effects of Site NS1 should consider impacts on the surrounding area including Graveley village.

9. [Main Modification 79](#)

- 9.1 The new supporting text suggests that Site GA2 will need to take into account impacts upon Back Lane and Church Lane leading from Great Ashby to Graveley. There is a draft allocated site much closer to Back Lane and Church Lane, being GA1, owned by Croudace. As part of our proposals for that site we are proposing the closure of a section of the lane and its diversion through the GA1 site, combined with other measures to minimise the level of

traffic using the section of lane leading towards Graveley village. Any assessment of impacts on the lane for the more distant GA2 site will therefore need to take into account the changes likely to be implemented to the lane as part of our GA1 scheme.

10. [Main Modification 130](#)

- 10.1 This modification indicates that “where appropriate” the legal agreements securing affordable housing will include mechanisms to ensure that those with local connections are given priority in the allocation of affordable homes. The new wording then discusses schemes outside the main towns, but appear to be silent on whether the council would seek such local connection mechanisms for schemes in the main towns.
- 10.2 Whilst we understand the political motivation behind having local connection allocations mechanisms, they need to be applied carefully. The overall level of housing catered for in North Hertfordshire in this plan is not justified solely on the basis of the natural change in the local population. The objectively assessed need for housing also includes a continuing level of net migration into the district. Such people who are looking to migrate into North Hertfordshire may struggle to demonstrate a local connection.
- 10.3 A substantial majority of the affordable housing likely to be delivered in the district will be through the proportion of affordable housing secured on larger developments provided by private developers. These developers will generally look to sell the completed affordable homes to a registered provider of affordable housing. Any limitations on the people to whom the registered providers would be able to let the homes will have a bearing on how much the registered providers are able to pay for the affordable homes on any given scheme. This will then have knock-on effects on the viability of schemes as a whole. We believe it would be counter-productive if overly-strict application of a local connection mechanism led to a reduced level of affordable housing being provided on any given site.
- 10.4 We would therefore suggest that any such local connection mechanisms should be constructed in such a way that does not reduce the attractiveness of the affordable housing to affordable housing providers active in the area. Alternatively, it should be clarified that such local connection policies are not appropriate for schemes in the main towns.

11. [Main Modifications 134 and 135](#)

- 11.1 The change to the supporting text in MM135 does help set out some possible ways that the accommodation for older people sought in Policy HS4 could be provided. However, further clarity would also be beneficial. If “a modest number of bungalows that meet accessible and adaptable standards” is one way of complying with the policy, do these main modifications imply that such bungalows also have to be somehow reserved as only available for older people? We would not support further restrictions on the occupation of the open market element of schemes. We are happy to include such units within the dwelling mix so as to increase their supply generally in the area. However, we do not see a policy or evidential basis to justify why such dwellings would have to be limited to older persons; people have many reasons for wanting a single storey or otherwise more accessible homes, not all to do with their age.

12. [Main Modification 202](#)

- 12.1 Croudace controls the site proposed to be allocated under Policy AS1. We do not support the unqualified wording “retain existing boundary hedgerows” being inserted into the policy. Whilst we support the retention of boundary hedgerows in general, on this site it is necessary to remove a short section of the hedgerow fronting Claybush Road in order to provide suitable vehicular access (as we have demonstrated as part of our planning application 16/01797/1).
- 12.2 We would suggest that a better form of wording may be “retain existing boundary hedgerows between the site and the adjoining fields and existing residential properties, with any loss of hedgerow required on the highways frontage for access purposes kept to a minimum and appropriately mitigated”.

13. [Main Modifications 237 and 239](#)

- 13.1 Croudace owns the site proposed to be allocated under Policy GA1.
- 13.2 Whilst we have no objection to ‘having regard’ to the Stevenage Mobility Strategy, it should be noted that there is the potential for conflict between the policies it contains and those of the North Hertfordshire Local Plan. This is particularly the case on parking standards, where the Stevenage Mobility Strategy refers to policies from the Stevenage Parking Provision SPD (2012), which includes maximum parking standards, whereas the North Hertfordshire standards contained in Appendix 4 to the Local Plan as proposed to be modified are expressed as minimum standards.
- 13.3 For some situations, the maximum Stevenage level of parking is lower than the minimum North Hertfordshire level of parking. For example, 2 bedroom homes under the Stevenage policy should have no more than 1.5 spaces per dwelling, whereas the North Hertfordshire policy is that such homes should have at least 2 spaces per dwelling. It is therefore not possible to fully comply with both.

14. [Main Modification 244](#)

- 14.1 The identified requirement for two additional GPs across the three allocations north of Stevenage area does not seem unreasonable. The precise mechanism of how such costs would be determined, apportioned and distributed will need to be established through the planning applications. We would not want the first development in this area to be saddled with costs that should be ultimately be shared by the three major sites between them.

15. [Main Modification 311](#)

- 15.1 The modifications to Policy LG20 for the Gernon Road site in Letchworth move away from the previous wording about “main town centre uses” to restricting the ground floor to be uses within A1, A3, A4 and A5. Although Croudace does not yet have an interest in this site, we have been investigating the possibility of developing part of the site for a mixed office and residential scheme, which we believe would provide an appropriate mix for the area.
- 15.2 We do not believe this is an area which lends itself to A1, A3, A4 or A5 uses given its comparatively peripheral edge of town centre location. Conversely, we believe such edge of town centre sites would lend themselves well to some new office floorspace, which would support the retail function of the town centre by increasing the daytime population of the

town centre. We would therefore prefer the original wording in this policy regarding “main town centre uses” be kept, instead of the proposed modification specifying A1, A3, A4 and A5 uses. Alternatively, we would ask that B1 office space be listed as an additional use class which would be acceptable at ground floor level on this site.

16. [Main Modification 313](#)

- 16.1 Linked to our comments on MM313, we believe there is an important role for office floorspace (retained and / or new) within the town centre of Letchworth. Office workers provide a daytime population for the town centre, and therefore make an important contribution towards the vitality of town centres. This is particularly so with the level of office to residential conversion seen in recent years. We understand that much of the Council’s evidence has focussed on retail floorspace needs, although this is a highly volatile sector at present. In the final sentence of this modification we suggest adding after “retail projections” the words “and the level of office space in the town centre”.

17. [Main Modifications 355 and 356](#)

- 17.1 Croudace owns the site at Whitwell proposed to be allocated under Policy WH1 (formerly site SP2). The supporting text has been modified to acknowledge that planning permission has now been granted for this site, which is correct. As discussed in our comment on MM035, the base date for the plan’s stock of planning permissions does not appear to be explicitly set out, but we presume that there is no double counting between the council’s list of permissions and sites such as this one, which are still proposed for allocation despite now having permission.
- 17.2 It is proposed to add to the policy wording about preventing unnecessary mineral sterilisation. We believe this wording is not necessary. The issue of potential mineral sterilisation was considered in the appeal relating to this site (APP/X1925/W/14/3168114) and at paragraph 46 the Inspector for that appeal concluded that “development of this site would not have any significant impact to future mineral extraction in this area”.

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