



Cranbook Plan
Examination in Public
Matter 8
Hearing Position Statement

Boyer

CRANBROOK PLAN

EXAMINATION IN PUBLIC

MATTER 8: PHASING

BOYER ON BEHALF OF MR & MRS PYLE / HARROW ESTATES PLC

REP ID: 144

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1. INTRODUCTION

- 1.1 On behalf of our clients, Mr & Mrs Pyle/Harrow Estates Plc, Boyer has prepared this Statement in relation to Treasbeare Farm, which comprises approximately 65 ha of land, and is allocated for development as part of Policy CB3 in the Submission Draft of the Cranbrook Local Plan.
- 1.2 Both parties fully support this allocation (save for the comments made in the representations made to the Submission Draft and those contained in the Hearing Statements to the Examination) and are working with the Council to prepare a Statement of Common Ground.
- 1.3 For clarity, and as explained in Examination Document PSD2 (Planning Application Summary 2019) the site is subject to two separate planning applications currently held in abeyance (LPA Ref: 15/0045/MOUT and 17/1482/MOUT).
- 1.4 These applications were made by Hallam Land and Taylor Wimpey UK Ltd. The Option Agreements prevailing at the time of these previous applications have now expired and Mr and Mrs Pyle (Landowners) have now agreed terms with Harrow Estates.

2. QUESTION 118

Is the proposed phasing justified and effective? How will the Council ensure that strategies from each expansion area achieve a co-ordinated approach to delivery and a measured release of sites over the plan period?

- 2.1 Policy CB7 requires development at each Expansion Area to be carried out in accordance with an approved comprehensive phasing strategy. The final paragraph to Policy CB7 states that each phasing strategy must be prepared before planning permission is granted and will be the subject of legal agreements to ensure compliance.
- 2.2 This would suggest that the approach to phasing will reflect the site specific circumstances thereby allowing development proposals to respond effectively to the prevailing position on site and to provide infrastructure and mitigation commensurate with the stage of delivery. Securing this through a S106 agreement provides the necessary comfort that development will come forward in a manner agreed with the Local Planning Authority.
- 2.3 There are, however, a number of concerns with the detailed requirements of Policy CB7. First, it is considered that the approach is overly prescriptive, as it dictates that any phasing strategy will require the central parcels of land, close to or adjoining, community and education facilities to be developed first. It is also noted that Policy CB7 requires employment land and premises to be delivered alongside or ahead of new housing. With later stages which are further away from such facilities coming forward as later stages.
- 2.4 Such a requirement seeks to pre-determine any phasing strategy and has no consideration for site specific circumstances or the development's viability. It imposes the disposition of land uses identified in the Cranbrook Masterplan, a concern which we have dealt within in other Statements. Moreover, it does not appear that the apparent preference for specific parcels to come forward in advance of others has any regard to the infrastructure and other costs associated with bringing development forward.
- 2.5 In the context of the Treasbeare Expansion Area (CB3), the sensitivity of land parcels to noise represents a key consideration that will inform the phasing strategy, allowing for those locations within the Expansion Area that are least sensitive to noise to come forward in the early phases. Those areas with a higher sensitivity to noise will come forward as later stages, supported by mitigation measures necessary to ensure that the amenity of new residents is not adversely effected by noise arising from the Airport.
- 2.6 To apply the phasing strategy as suggested in CB7 does not take into account the specific circumstances of the site.
- 2.7 The supporting text to CB7 explains that the timely and coordinated delivery of housing alongside the social, community and commercial infrastructure is essential in order to provide for sustainable patterns of development. There is no disagreement with this but the current phasing approach as set out in Policy CB7 places an overly prescriptive policy burden on the delivery of the individual Expansion Areas.

- 2.8 The apparent lack of regard to site specific viability, through the imposition of a pre-determined preference to phasing demonstrates an unjustified approach and provides no comfort that the policy is effective in terms of ensuring the delivery of supporting infrastructure.
- 2.9 The correct approach should be to ensure that the phasing of development is consistent with, and informed by, the delivery of infrastructure and site specific costs.
- 2.10 Policy CB7 also requires that each phasing strategy must ensure that there is overall coordination to delivery across the Plan area as a whole. The justification for this, and critically, how this can be achieved, is not adequately explained. The infrastructure requirements for individual Expansion Areas should not dictate or inform the phasing strategy of other policy areas.
- 2.11 The approach to phasing also appears to have little regard to the reality within the Expansion Areas, with a significant proportion of land in each area being controlled by single landowners. This means that they will have the means and ability to deliver the required infrastructure to support development within their respective development areas.
- 2.12 As such, Policy CB7 needs to recognise that development, and the associated phasing strategy, can be addressed through the S106 process informed by the site specific requirements.
- 2.13 As currently presented, there is concern that CB7 is too prescriptive and extends beyond the scope of Strategic Policies. Phasing of housing and associated infrastructure should be commensurate with each individual phase of development so as not to threaten the ability of development to be delivered in a viable manner.

3. QUESTION 119

Does the policy rely on multiple landowners reaching agreement? How might uncertainty for owners particularly for smaller land holdings be avoided.

- 3.1 The requirement within Policy CB7 that each phasing strategy must ensure an overall co-ordinated approach to delivery across the Plan Area results in the creation of an interdependency between sites and landowners that will, in our view, hamper or at the very least frustrate, the ability of individual Expansion Areas to come forward.
- 3.2 It creates a direct relationship between the site specific infrastructure requirements at one Expansion Area to another.
- 3.3 This approach appears to have no regard to the potential scenario whereby one Expansion Area, for whatever reason, is unable to implement its phasing strategy meaning that it directly impinge / frustrates delivery elsewhere.
- 3.4 The Cranbrook Plan provides the overarching strategic context within which development at Cranbrook will be delivered. It is therefore unnecessary and potentially counterproductive to impose specific policy requirements that create a false and unjustified interdependency between the phased delivery at the Expansion Areas.

4. QUESTION 120

Can improved clarity be given to those instances where delivery means making serviced land available and where it means providing buildings?

- 4.1 Clarity is essential in the plan-making process and for specific policies to provide a framework that gives clear and concise policy direction, against which development can be appraised and delivered.
- 4.2 For reasons set out above, Policy CB7 is not considered to be justified as it represents a policy that is too prescriptive. Moreover, we question how effective this policy can be as it applies a rigid structure that does not make any allowance for, or ability to respond to, the specific circumstances at individual Expansion Areas.
- 4.3 The correct approach should be through the S016 process, which will provide the necessary clarity and distinction between buildings and serviced land as appropriate for the individual expansion areas. This process will enable discussions to take place between the developer and the Local Planning Authority and to reach agreement on relevant triggers as required, whilst ensuring that such triggers do not undermine the ability of the site to be developed in a viable.

5. QUESTION 121

How have the occupation restrictions been validated and how might interim solutions enable the release of fund to deliver the infrastructure?

- 5.1 It is not considered appropriate for the Cranbrook Plan to include specific triggers and occupancy restrictions as proposed within Policy CB7.
- 5.2 In terms of education provision, there does not appear to be any justification to support the occupation restriction of the 30th dwelling, at which point one of the two primary schools must be completed and handed over to the education provider. Whilst the requirement to provide for new education provision within an early development phase is understood, such a trigger so soon after development commences will have serious implications on cash flow and the development's viability.
- 5.3 Such matters should be dealt with through the S106 process, informed by the circumstances at the time and responding to the specific requirements necessary to support development at the Expansion Areas, set within the context of the wider objectives for the Cranbrook Plan area.
- 5.4 In this regard, Policy CB7 creates a rigid structure that may become out of date and irrelevant to the circumstances on the ground.
- 5.5 This does not negate or remove the need for any phasing policy to align the delivery of housing with supporting infrastructure, including education, but to expressly link levels of occupation to infrastructure requirement in policy is not considered to be justified.

6. QUESTION 122

In respect of paragraphs 3.6 and 3.14; there is an inconsistency in that the plan refers to both Bluehayes and Treasbeare as the first phase. Please can the Council clarify the rationale for the phasing of the expansion areas CB2 and CB5 and the mechanism for securing that programme?

- 6.1 It is not clear whether paragraph 3.6 (which is replicated at paragraph 3.15) is referring to allocated land to the west of the existing town as the first phase, or whether the intent of this wording is to use this terminology, i.e. first phases, in respect of the existing town centre.
- 6.2 If it is the case that this relates to the western areas as being the first phase then there is no specific evidence to justify this approach. Although we support the recognition that the Treasbeare Expansion Area can deliver development in early stages of the plan, it does demonstrate that there is a significant amount of pre-determined preferences in the phasing strategy of Cranbrook.
- 6.3 As a consequence, there are concerns that the phasing strategies for the Expansion Areas, will be dictated by a pre-determined approach and therefore potentially subvert the ability of Expansion Areas to deliver in a manner that reflects the circumstances, opportunities and constraints at these locations.
- 6.4 In the context of Treasbeare, phasing is likely to be informed by the noise sensitivity of the site related to the airport, a factor which is not reflected in the wider approach to phasing articulated in Policy CB7.
- 6.5 It should also be noted that Figure 2 of the Plan, which shows noise contours, only relates to the Treasbeare Expansion Area and is artificially constrained to this area. It has no regard to those locations within the Bluehayes Expansion Area that may also be sensitive to noise and dependent upon mitigation to ensure the amenity of residents is protected. Factors which will impact on the phasing strategies for these development locations.
- 6.6 Paragraph 3.14 refers to education and suggests that the Treasbeare Expansion Area is likely to come forward ahead of Bluehayes. Irrespective of which Expansion Area comes forward first, the policy requirements for education (CB2-4 and CB3-3) sets out the framework that responds appropriately to the timing of delivery at either of these Expansion Areas.

7. QUESTION 123

How will SANGs be delivered ahead of new housing?

- 7.1 SANG delivery should be commensurate with the scale of development, reflecting the overall quantum that is necessary to support the development and this should be expressly stated in policy.
- 7.2 There should be no alignment between the delivery of safeguarded SANG provision and that which is necessary to serve the development at the Expansion Area.
- 7.3 CB7 requires that phasing strategies must demonstrate how SANG, amongst other requirements, will be delivered *'alongside or ahead of new housing.'* However, this appears to be at odds with the requirements of CB15 (Delivery of SANG) where it requires that SANG is provided on phased basis and made available *'prior to the first occupation of the residential dwellings in each respective phase.'*
- 7.4 There is therefore an apparent disconnect between CB7 and CB15. Notwithstanding, the correct approach to facilitating the delivery of SANGS and a scale and timing commensurate without housing delivery and occupation, should be secured through the S106 process.

8. QUESTION 124

If the location of one of the primary schools is to be a choice between one of two expansion areas how does it achieve clarity for landowners and certainty regarding infrastructure costs and timings?

- 8.1 It is important to emphasise that the approach to primary school provision at either Bluehayes or Treasbeare, articulated in Policies CB2 and CB3, reflects the pace of housing delivery at the two Expansion Areas.
- 8.2 It is a preference of the education authority for this provision to be provided at Treasbeare, but in the context of urgent need, it is accepted that this provision can be provided at Bluehayes if this Expansion Area is developed first.
- 8.3 The approach is therefore more than a matter of 'choice', it is concerned with facilitating delivery of this provision and this is linked to the pace of delivery at either Expansion Area.
- 8.4 The policy requirement is clear in this regard and there is no suggestion that this approach results in confusion or any lack of clarity.
- 8.5 Given the advanced stage of the Bluehays planning application, currently with the Local Planning Authority for determination and including the provision of a primary school, it would appear sensible and logical to consider revisions to Policy CB2 and CB3 to reflect this in policy.