TOWN AND COUNTRY PLANNING ACT 1990

Written Representations on the South Northamptonshire Council Draft Submission Local Plan Part 2 (Regulation 19 Consultation)

Land at Roade

November 2018

Statement on behalf of Chartwell Industries Limited

Prepared by Nigel C Ozier BA (Hons) MRTPI

The Granary
Spring Hill Office Park
Harborough Road
Pitsford
Northampton
NN6 9AA
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1. INTRODUCTION

1.1 We act on behalf of Chartwell Industries Limited and seek to make representations to the South Northamptonshire Local Plan Part 2 (submission draft) in respect of their land interests in Roade.

1.2 The following representations set out a constructive critique of the Local Plan and also present five sites that are suitable for development, together with identifying other land and property owned by our client that is certainly open to consideration if they are preferred. Four sites (A-D) have previously been promoted through various consultation exercises and are again being submitted for consideration through the Local Plan (Part 2). An additional site was also put forward for consideration (Site E) (Appendix 1).

1.3 Chartwell objects to the Local Plan Part 2 and are disappointed that the Council are not proposing to amend the village confines in Roade, following submission of written representations at pre-submission stage (Appendix 2). Roade Parish Council has prepared a Neighbourhood Plan, which is currently at examination stage. Chartwell has objected to the Neighbourhood Plan (Appendix 3) and requested a participation in a hearing to ensure they can present their case fairly; in line with Planning Practice Guidance which states:

“Where the independent examiner considers it necessary to ensure adequate examination of an issue or to give a person a fair chance to put a case, they must hold a hearing to listen to oral representations about a particular issue”.

Paragraph: 056 Reference ID: 41-056-20180222

1.4 The company has, over a number of years, promoted land for residential development and other uses and has adopted a pro-active approach including communication with both South Northamptonshire Council and Roade Parish Council on the availability and suitability of its landholdings for development.

1.5 Submissions have been made to South Northamptonshire Council over the years supporting a comprehensive approach to development and a package of community benefits for Roade. A number of these submissions formed part of the process which led to the publication of the draft Roade Masterplan, and included the potential allocation of some of our client’s land. At the same time, Chartwell supported local facilities and opportunities.

1.6 The former Pianoforte site was allocated for development; planning permission granted and is now being developed. There is a planning gain package linked to this, including gifting of land for a cemetery, the site of the Roade FC and provision for a potential doctors surgery amongst other things. The company has held a number of discussions with South Northamptonshire Council and Roade Parish Council on the merits of their sites and potential community benefits that could follow. One particular example of potential community benefit that has been raised in the past, amongst others, relates to the possibility of securing the future use of the former cricket ground within the Council ownership for community use, either as open space, car parking, village hall, affordable housing, or a combination thereof. This form of planning gain is potentially possible through the development of the Chartwell sites promoted during this consultation.

1.7 These written representations also acknowledge the proposed Northampton Gateway Strategic Rail Freight Interchange (SFRI) on land to the west of M1 junction 15, which includes a new bypass to the village of Roade to the south. Significant improvements to
junction 15 of the M1 are also proposed, which will result in junction capacity increasing by around 30 to 35% (proposed to be constructed 2019-2020). The SFRI is currently out to public consultation and forms a Nationally Significant Infrastructure which means an application for a ‘Development Consent Order’ is made to the Planning Inspectorate. On formal acceptance of the application the Planning Inspectorate will examine the proposals in detail before making a recommendation to the Secretary of State for Transport, who will then formally determine the application. The project is claimed to generate between 6000-7500 jobs once operational, while adding £316 million per annum to the local economy (primarily focused on Northamptonshire).

1.8 The Local Plan provides, therefore, a major opportunity for a significant package of planning gains and community benefits for Roade with the redevelopment of the land identified within this representation or others owned by Chartwell. Through development, there are potential opportunities to assist in supporting the local community.

2. LEGAL COMPLIANCE OF THE PART 2 LOCAL PLAN

2.1 As has been outlined above, we submitted written representations to the Council at pre-submission stage, raising concern over the production of the Roade Neighbourhood Plan and the lack of engagement from the Parish Council to meet with Chartwell and discuss the potential for planning gain. For the reasons set out within Appendix 3, Chartwell do not consider the Neighbourhood Plan to meet basic conditions and other legal requirements; paragraph 37 of the NPPF states that basic conditions must be tested in the independent examination of NPs. Given the Council has previously warned the Neighbourhood Planning Group over the level of housing allocations, we feel these basic conditions are also relevant to the draft Local Plan.

2.2 Chartwell are a major landowner within the area and we consider (for the arguments set out within the attached appendices) that there has been a failure to fully determine the development needs of the area when the Part 2 Local Plan has yet to be tested at examination. Whilst the Neighbourhood Plan is undergoing examination, it is important to recognise that Chartwell have requested to participate in a Hearing to ensure we have the opportunity to present their case fairly. This reflects what is set out within Planning Practice Guidance.

2.3 The revised NPPF states, in paragraph 214, that policies in the previous Framework will apply for the purposes of examining plans where they are submitted on or before 24 January 2019. Paragraph 212 of the revised NPPF also states that “plans may also need to be revised to reflect policy changes which this replacement Framework has made”. Whilst we believe South Northamptonshire Council to have in excess of a five year housing land supply, the current NPPF is proposing a Standard Methodology which results in local planning authorities having to prove that their housing land supply is deliverable with new housing being built on the ground. As a result, many sites previously included could now be excluded from their calculations.

2.4 Should it be found that South Northamptonshire Council cannot identify a five year housing land supply then those policies contained within the Roade Neighbourhood Plan, together with the relevant Development Plan policies, will also be considered out-of-date and the presumption in favour of sustainable development will then apply.
2.5 Case law has upheld a decision in the High Court, Woodcock Holdings -v- the Secretary of State and Mid-Sussex District Council (Appendix 4). This demonstrates the implications of progressing with a Neighbourhood Plan where there is no up-to-date adopted Development Plan or five year housing land supply in place. The judgment demonstrates:—

- That paragraphs 14-49 within the 2012 Framework (relating to 5-year land supply and the weight to be given to extant housing land supply policies) apply equally to both emerging and made Neighbourhood Plan policies in respect of other Development Plan documents otherwise adopted and/or emerging by the Local Planning Authority

- The Neighbourhood Plan cannot be given more weight than the wider Development Plan

- Neighbourhood Plans must respect national policy and core planning principles set out within the Framework

- Prematurity must be assessed against PPG

2.6 In October 2015, an appeal decision at Thorpe Road, Earls Barton, Northamptonshire (Appendix 5) reflected the importance of the Woodcock Holdings judgment. The appeal allowed delivery of 39 dwellings at an advanced stage of the Neighbourhood Plan preparation (one day prior to the Neighbourhood Plan referendum). It is important therefore that the Roade Neighbourhood Plan Group allows for a significant degree of flexibility and adaptability, to respond rapidly to changes in the market, otherwise the Plan will be found to be out-of-date before its adoption. The Secretary of State agreed with the Inspector that the scale of the development was sufficiently small enough not to be premature in terms of jeopardising future development within the Neighbourhood Plan. In conclusion the Secretary of State considered the lack of a five year housing land supply and the contribution the appeal proposal would make to increasing housing land supply, weighed heavily in favour of the appeal, and agreed with the Inspector that the proposal would amount to sustainable development. In carrying out a planning balance, the Secretary of State found that the harm identified was insufficient to significantly and demonstrably outweigh the acknowledged benefits of the sustainable development.

2.7 We acknowledge that in the very short term there is significant housing development taking place in the village. Throughout the proposals for the Pianoforte site recently granted planning permission, Chartwell and the professional team have worked with the Council and Parish Council to deliver mutual benefits and we wish this co-operative approach to continue. However, the Part 2 Local Plan will determine the long-term requirements of the District up to 2029 and the Council must meet these needs in full.

2.8 We are of the opinion that some of Chartwell’s land assets are the best sites to accommodate the future development needs for the village, whilst at the same time delivering local community benefits which are material planning considerations of developing these sites.

2.9 This co-operative approach is in contrast to the likely approach of conventional developers, who may adopt a more hostile stance to planning applications and appeals, resulting in the delivery of planning consents on landholdings that the local community is opposed to and also with no possibility of appropriate planning gain being negotiated.
2.10 The Council’s masterplan for the village shows there is capacity for the village to grow; whilst the forthcoming application relating to the Northampton Gateway (Strategic Freight Rail Interchange) is likely to result in a significant number of jobs being created in the area. In light of this, Chartwell Industries Limited request the Council consider housing need within the village as part of the Local Plan and redraw the village confines to accommodate potential growth within the Plan period.

2.11 Within the Sustainability Appraisal the Council defends their lack of any housing allocations within the plan on the basis that:

“The Council does not have the up to date detailed evidence of local need for individual villages / parishes. Even if it did it is important to recognise that such evidence can change and become out of date in a relatively short time period. Therefore the approach taken in the policy is one that allows for an assessment to be made at any time and that restricts delivery of housing to meet that need within a specified time period ensures that the current need is met”.

2.12 We consider that this is contrary to the NPPF which states in paragraph 23 that “broad locations for development should be indicated on a key diagram and land use designations and allocations identified on a policies map” and reinforced by paragraph 31 which states “the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals”. Clearly if the Council do not keep up-to-date local information surrounding local housing needs then the Sustainability Appraisal is deficient, unsound; and that Policies relating to proposed confines boundary are unjustified.

3. APPRAISAL OF THE DEVELOPMENT OPPORTUNITY AGAINST THE COUNCIL’S DRAFT PLANNING POLICIES AND CHANGES SUGGESTED TO THE PART 2 LOCAL PLAN

3.1 We have set out below a summary of where we feel the land interests are supported by the Council’s draft policies and changes which we consider necessary to make the South Northamptonshire (Part 2) Local Plan Draft submission document legally complaint and/or sound including revised wording of any policy text, and reasons why the proposed change would make it legally compliant and/or sound.

Policies SS1: The Settlement Hierarchy and LH1: Development within Town and Village Confines

3.2 Roade is identified as a primary service village within the Council’s settlement hierarchy. This reflects the area forming a sustainable location, although there is potential for a Strategic Rail Freight Interchange (SRFI) scheme to be approved by the Secretary of State immediately north of the settlement. This would result in significant employment opportunities in the area and change the need for local housing needs. An application has been lodged for the SRFI and is now awaiting determination.

3.3 The project is claimed to generate between 6000-7500 jobs once operational, while adding £316 million per annum to the local economy (primarily focused on Northamptonshire).

3.4 The Local Plan provides, therefore, a major opportunity for a significant package of planning gains and community benefits for Roade with the redevelopment of the land identified
within this representation or others owned by Chartwell. Through development, there are potential opportunities to assist in supporting the local community. We accordingly request the Council amend the confines boundary for Roade to include land owned by Chartwell.

**Policy SS2: General Development Principles**

3.5 Policy SS2 covers a series of development principles which will apply to submitted proposals. The policy wording under criteria ‘n’ states that development should “meet the optional higher water efficiency standard of 110 litres per person per day” (as set out within Part G2 of the Building Regulations).

3.6 We recognise that the careful use of water is important, however Part G2 of the Building Regulations states in paragraph 2.8 that “The optional requirement only applies where a condition that the dwelling should meet the optional requirement is imposed as part of the process of granting planning permission”. As such, we recognise the optional requirement is controllable by planning conditions. The NPPF states in paragraph 16 that Local Plans should avoid unnecessary duplication of policies that apply to an area (including policies in the NPPF). The optional higher water efficiency standard can be controlled by way of planning condition and should not therefore be imposed within the Development Plan. Paragraph 54 of the Framework encourages Local Planning Authorities to consider whether otherwise unacceptable development could be made acceptable through the use of planning conditions. We therefore advise criteria ‘n’ of Policy SS2 be simply omitted.

**Policy LH2: Starter Homes Outside Settlement Confines**

3.7 Chartwell strongly supports the policy for starter homes outside of the settlement confines. Policy LH8 makes reference to tenure blindness, and Policy LH2 could do likewise. Policy LH2 could attach a footnote to the definition of starter homes as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. This is also how starter homes are interpreted with regard to the NPPF (Annexe 2).

**Policy LH3: Entry Level and Single Plot Exception Sites**

3.8 Policy LH3 relates to entry level and single plot exception sites. Chartwell supports this policy.

**Policy LH5: Self and Custom Built Homes**

3.9 Policy LH5 relates to self and custom built homes. Our client supports the policy.

**Policy LH6: Specialist Housing and Accommodation Needs**

3.10 Chartwell strongly supports the policy for Specialist Housing and Accommodation needs, particularly in respect of meeting needs for older persons. We have an aging population and it is right that the Council therefore respond in actively seeking opportunities to build suitable accommodation where required.

3.11 We refer the Council to the Institution of Highways and Transportation (IHT) Guidelines for providing Journeys on Foot, in respect of acceptable distances to local facilities.
Policy LH7: Residential and Nursing Care

3.12 Chartwell strongly supports the policy for Residential and Nursing Care. We have an aging population and it is right that the Council therefore respond in actively seeking opportunities to build suitable accommodation where required.

Policy LH8: Affordable Housing

3.13 Chartwell supports the delivery of affordable housing within the District.

Policy LH9: Build to Rent

3.14 Chartwell supports the ‘Build to Rent’ policy as a means to encourage housing delivery and provide more competition within the private rented sector which should in principle make renting more affordable overall.

Policy LH10: Housing Mix and Type

3.15 We support the delivery of a wide mix and type of housing within housing proposals.

Policy EMP1: Supporting Skills

3.16 Policy EMP1 shows that the Council recognise the need for proposals of major new industrial and commercial development in respect of contributing to increasing or maintaining a skilled workforce. Whilst the Strategic Rail Freight Interchange proposal for Roade is not subject to the Local Plan as a National Strategic Infrastructure project, there is clearly a need to promote employment within the District. Chartwell own significant land around Roade and should the SRFI come to fruition there is opportunity to take commercial ventures forward by utilising some of Chartwell’s land for development.

EMP3: New Employment Development

3.17 For the reasons set out above, Chartwell support this policy. Roade is a sustainable location for development and the Council have the opportunity to allocate some of their land for new employment development.

Policy EMP4: The Visitor Economy

3.18 Policy EMP4 relates to the visitor economy. The policy is worded to include leisure uses. As outlined within the introduction of this statement, and as contained within the supporting appendices, Chartwell has requested meetings with the Parish Council in preparing their Neighbourhood Plan to discuss opportunities for planning gain. This could include the enablement of new leisure facilities within the village, and certainly is relevant in respect of maintaining community leisure facilities such as the Bowling Club.

3.19 We have a number of concerns over the nature of the policy criteria 5 which states “further development will not be permitted where utilisation of the existing sites is low”. There is nothing within the NPPF or PPG to demonstrate need for the development itself, and by the same token competition between venues should be encouraged, not precluded. This is particularly relevant to encouraging new leisure uses for local communities.
3.20 The planning system does not exist to protect the private interests of one person against the activities of another. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest. Given this clear conflict with the Planning Act we suggest the Council omit the fifth point of criteria listed under Policy EMP4. The Council should focus its attention on policies which help create the conditions in which leisure operators can invest, expand and adapt in accordance with the NPPF.

Policy SDP1: Design Principles

3.21 Policy SDP1 sets out a series of design principles that new development will be required to comply with. We support the policy and consider it appropriate in respect of Chartwell’s land interests as set out within this statement. In particular, it is encouraging that the Council recognise that the use of design codes, masterplans or planning briefs appropriate to support the delivery of multi-phased developments to ensure consistency of design approach.

Policy SDP3: Health Facilities and Wellbeing

3.22 Policy SDP3 supports the provision and extension of health facilities within or adjoining settlement confines in Rural Service Centres and Primary Service Villages. Roade is a Primary Service Village. Chartwell have tried to engage with the Parish Council in the production of their Neighbourhood Plan to explore opportunities for planning gain. This could include continuing support for local facilities but unfortunately the Parish has ignored our client’s requests for a meeting. Chartwell has also acted in the interests of the village, and we feel the Council, by not proposing to amend the confine limits, is overlooking the lack of consultation in this respect when opportunities for planning gain exist. Chartwell consider this to undermine the Council’s Sustainability Appraisal and Statement of Community Involvement that accompanies the draft Plan.

3.23 For the reasons set out above, Policy SDP3 is fully supported.

Policy INF2: Community Facilities

3.24 The preamble to Policy INF2 illustrates that the Council is aware that the NPPF encourages local planning authorities to positively seek opportunities to meet the development needs of their area and for the provision of facilities and services that the community needs, to guard against the unnecessary loss of valued facilities and services.

3.25 Chartwell support Policy INF2 and request the Council takes a closer look at the lack of consultation with the Parish Council in respect of the draft Neighbourhood Plan where requests to discuss potential and opportunity for planning gain were ignored. Details are set out within Appendix 3.

Policy INF3: Education Facilities

3.26 Chartwell supports Policy INF3 and again refers the Council to Appendix 3 where the potential of utilising some of their land to resolve parking issues surrounding the school was put forward to the Parish Council as part of planning gain proposals.
**Policy GS1: Open Space, Sport and Recreation**

3.27 Chartwell supports Policy GS1 for open space, sport and recreation, and refers the Council to written representations made on the Roade Neighbourhood Plan (Appendix 3) with regard to Chartwell maintaining support for recreational land in the village as part of planning gain. The Parish has not met with our client and we consider there to be a deficit of open space, sport and recreational land within the Council’s Sustainability Appraisal.

**Policy GS2: Local Green Spaces**

3.28 Chartwell will object to any Green Space being allocated on their land, particularly when the Parish Council has ignored requests to meet and discuss the draft Neighbourhood Plan in respect of their land interests.

**Policy GS4: Backland Development**

3.29 Chartwell supports this policy.

**4. CONCLUSIONS**

4.1 We have assessed the Council’s draft policies and generally consider them to be acceptable, other than the concerns raised in the above section of this statement. Chartwell however feel that the Draft Plan is unsound, and unjustified, particularly in respect of the Community Engagement process which informs the proposals for Roade and the plan’s Sustainability Appraisal. Despite the Council having previously raised concern to the Parish Council over their proposed level of housing allocations, we are conscious that no changes are being made to the confines boundary. This reflects the draft Roade Neighbourhood Plan which Chartwell has objected to and requested a Hearing upon to ensure their case can be fairly heard, in accordance with PPG. Chartwell have tried to engage with the Parish Council to discuss opportunities for planning gain within the village (as set out within Appendix 3). As the Parish has not met with Chartwell to discuss how their land could be potentially utilised to ensure the NP meets its local needs over the whole plan period, we feel that the Council’s Sustainability Appraisal is deficient in a number of areas as outlined within this report.

4.2 We encourage the Council to reconsider its approach taken to the Sustainability Appraisal including areas on health and well-being, education and recreational areas as opportunities for planning gain may exist. The Council appear to have accepted the Parish Council’s Draft Neighbourhood Plan, given there are no changes to the confines boundary. We remind the Council that they must ensure local needs are met in full over the plan period.

4.3 We are of the opinion that some of Chartwell’s land assets are the best sites to accommodate the future development needs for the village, whilst at the same time delivering local community benefits which are material planning considerations of developing these sites.

4.4 This co-operative approach is in contrast to the likely approach of conventional developers, who may adopt a more hostile stance to planning applications and appeals, resulting in the delivery of planning consents on landholdings that the local community is opposed to and also with no possibility of appropriate planning gain being negotiated.
4.5 The Council’s masterplan for the village shows there is capacity for the village to grow; whilst the forthcoming application relating to the Northampton Gateway (Strategic Freight Rail Interchange) is likely to result in a significant number of jobs being created in the area. In light of this Chartwell Industries Limited request the Council consider housing need within the village as part of the Local Plan and redraw the village confines to accommodate potential growth within the Plan period and consider an allocation of their land in regard to paragraphs 23 and 31 of the NPPF.

4.6 Chartwell requests attendance at the examination stage Hearings.
APPENDIX 1

Land ownership
APPENDIX 2

Written Representations submitted at Pre-Submission Consultation Stages
APPENDIX 3

Written Representations submitted on Draft Roade Neighbourhood Plan
APPENDIX 4

High Court Case, Woodcock Holdings -v- the Secretary of State and Mid-Sussex District Council
APPENDIX 5

Appeal Decision: Thorpe Road, Earls Barton, Northamptonshire