

**WEST OF BEWBUSH**  
**JOINT AREA ACTION PLAN**  
**EXAMINATION IN PUBLIC**

**FINAL**  
**1,450 words**

**EXAMINATION STATEMENT**  
**CREST NICHOLSON DEVELOPMENTS LTD**  
**DECEMBER 2008**

**Issue 3 - Chapter 4: Policies WB5 – 11: Community Centre; Healthcare;  
Joint Provision of Community Facilities; Retail; Dwelling Mix; Affordable  
Housing**  
Tuesday 27th January 2009

CND EXAMINATION STATEMENT 3  
CND REF: 73910

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**Introduction**

This Examination Statement has been submitted by Crest Nicholson Developments (CND) as part of the Examination in Public on the West of Bewbush Joint Area Action Plan (JAAP). The Statement highlights and where necessary expands upon representations submitted by CND in July and October 2008 on the JAAP process. It does not repeat representations.

The following CND representations and technical evidence are relevant to this statement:

<b>Ref</b>		<b>Ref</b>	
WBSUB213 Policy WB5	Community Centre (Object)	WBSUB217	Retail (Object) Withdrawn
WBSUB214 Policy WB6	Healthcare (Object)	WBSUB218 Policy WB9	Retail (Object) Withdrawn
WBSUB219 Policy WB10	Dwelling Mix (Support)	WBSUB220	Affordable Housing (Object)
WBSUB222	Affordable Housing (Support)	WBSUB221	Affordable Housing (Object)
WBSUB223 Policy WB11	Affordable Housing (Object)	WBSUB254	Affordable Housing (Object)

### **Abbreviations**

- CBC / HDC – Crawley Borough Council / Horsham District Council
- CND – Crest Nicholson Developments Ltd
- SV - Savills (Planning Consultant)
- BW – Barton Willmore (Masterplanner)
- SLR (Environment and Landscape Consultant)
- PBA – Peter Brett Associates (Transport / Utilities Consultant)
- FL – Fulcrum (Sustainability Consultant)
- CP – Capitol (Railway Consultant)
- WoB – West of Bewbush (the site)

**Issues 3 to 5: Policies for Development – Whether the JAAP provides sufficiently clear and comprehensive guidance to developers on the various necessary requirements to provide a functioning neighbourhood.**

General questions:

**Are there too many policies in Chapter 4? Could some be amalgamated - WB 5 to 9?**

1. CND have no comment to make in relation to this question.

**Do the policies make clear which infrastructure elements are to be funded by the development itself (see page 86). This applies to policies WB 5 to 8 in particular.**

2. CND (or the developer) will be funding the infrastructure required by policies WB 5 to WB 8. Infrastructure costing is discussed in detail in CND's Examination Statement 6 (Issue 6).
3. The delivery timescales and housing trajectory are outlined in Chapter 5 of the JAAP. Chapter 7 outlines the monitoring framework. CND consider this to be a robust approach, although the table in Chapter 7 may be interpreted incorrectly as the indicator numbers are similar to the policy numbers.
4. In advance of detailed Section 106/278 discussions at the planning application stage and through the proposed Planning Performance Agreement (PPA) it may be overly restrictive to impose explicit infrastructure requirements in the policies themselves. The matter being covered by Chapter 5 of the JAAP.

**Is the wording of the policies clear, reasonable and flexible?**

5. CND objected to policies WB 5 and WB 6 over flexibility (ref WBSUB213, 214). It would aid overall delivery if the prescriptive requirements were removed (aiding plan flexibility) retaining the core principle of the uses within the JAAP.
6. CND believes that there should be a consistent approach in the JAAP as stated in paragraph 4.52 as regards the population and consequent exact social infrastructure provision being determined at the planning application stage. This also specifically affects policies WB 5 and 6.

Policy questions:

**WB 8: The word “consideration” implies this provision is not definite. Is that the case?**

7. CND considers that the issue here is how best to accommodate the community facilities ‘on the ground’, the provision of the facility itself is an accepted requirement.

**WB 9: should the last sentence of ¶ 4.13 be placed within the policy to make it clearer? Is this level of retail provision viable?**

8. The level of retail proposed is considered viable and deliverable by CND. Representations and Technical Evidence (Technical Appendix 6) submitted in July 2008 relating to retail have since been formally withdrawn by CND (ref. WBSUB217, WBSUB218). This is due to further commercial research by CND with regard to the likelihood of a retail provision in excess of 2,500 sq m. A letter and explanation, along with an amendment to Technical Appendix 6 illustrating the text that has been withdrawn has been submitted to the Programme Officer and CBC/HDC, the matter is expanded in CND Examination Statement 4.
9. CND believe following commercial research that a number of convenience retail operators would be interested in single floorspace in the region of 1,000 – 2,000 square metres. The inclusion of smaller complimentary A1-A5 uses would easily form the remainder of the neighbourhood centre of approximately 2,500 square metres once the critical mass of the neighbourhood is formed.

**WB 10: should the policy provide more detailed information on the mix of dwelling size and type for each phase of development?**

10. CND strongly support policy WB10 (ref WBSUB219) which refers to market housing.
11. The market mix of property should be informed by the relevant present market conditions. Ultimately information relating to the mix will come forward at the outline/hybrid planning application stage, for Core Phase 1. Setting out more detailed information in the policy would be too prescriptive and unnecessary. The form of housing will also to some extent be influenced by discussions with both councils on urban form and design, which are currently at an early stage.
12. A market mix assumption has been used to inform the Viability Appraisal and economic toolkits used in response to Issue 6 (CND Examination Statement 6 refers). However, it should be emphasised that this is only one of a series of options being

considered for the mix of market dwellings at this relatively early stage in the planning process. CND would not wish to be overly constrained on the market mix, for clear commercial and ultimately housing delivery reasons. Crucially PPS3 does not explicitly require local authorities to set a market mix of dwellings.

13. To illustrate a possible mix of total properties, the mix included in the Viability Appraisal (2,500 total) is:

552	2-bed house (CP1 132 + CP2 294+ CP3 126)
852	3-bed house (CP1 210 + CP2 352 + CP3 290)
500	4-bed house (CP1 120 + CP2 121+ CP3 259)
296	Studio & 1-bed flat (CP1 66 + CP2 141 + CP3 89)
300	2-bed flat (CP1 72 + CP2 142 + CP3 86)
CP= Core Phase	

*Note: These figures are approximates and slightly differ from those inputted to the toolkit.*

14. The key point is that the viability exercise has demonstrated that each phase of development will likely be influenced by an informed market assessment as part of future detailed viability work. To restrict the market mix will be a serve hindrance on such flexibility.
15. Notably the Councils Joint Housing Position Statement (ref. CDHDCB28) outlines the starting point for negotiations on affordable housing mix. This infers flexibility within the affordable housing mix and scope for negotiation.
16. Related to the mix is density. CND believes that CBC/HDC are forwarding a proposed change to the JAAP supporting text of policy WB4 to outline the design process, however, they do not consider that density needs to be explicitly stated. As an illustration CND believes that a density range of 35-45 dph would be suited to WoB (as outlined in CND's Examination Statement 7), the mix used as given by paragraph 13 would result in such a density range. CND considers that this density would reflect the likely 'suburban' density, South East Plan regional target and with regard to the size of the site and overall requirement for 2,500 dwellings. CND's expected density is consistent with the density paper prepared for the Examination by HDC/CBC (ref. CDHDCB36). The exact density will be set at the outline/ hybrid planning application stage.

**WB 11: is the policy too inflexible in its tenure split requirement; wheel chair percentage; and Lifetime Homes percentage? Could the viability exception result in the provision of no affordable homes?**

17. CND has submitted a number of representations on Affordable Housing (ref WBSUB220, 221, 222, 223, 254). Although these are being maintained by CND the representations reflected the economic situation in July 2008, which since has worsened. This will have an impact on the viability of affordable housing provision. This is discussed in detail in CND's Examination Statement 6 (Issue 6)
18. CND has concerns with elements of policy WB11 with regard to the overall flexibility offered by the JAAP. The viability clause of the policy goes some way to ensure flexibility however, the changes also suggested within CND's July representations should also be adopted so as to obtain plan consistency with the Core Strategies and maintain the spirit of Circular 05/2005 and Horsham's own SPD on Planning Obligations. Little will be gained from rendering a development economically unviable by requiring overly prescriptive elements which may hinder delivery. As such CND would wish that policy WB11 simply state that 40% affordable housing is a 'target'. In reality if the low economic scenario persists a much lower provision will be required to maintain project viability. Given this CND also has concerns over the references to the range of 30% - 50%.
19. CND through the Economic Viability analyses, has determined that those phases of development whose viabilities have been assessed under adverse economic forecasts, could necessitate the provision of limited or no affordable housing in order to maintain project viability. Accordingly WB11 needs to recognise that outcome in such circumstances.
20. CND recognises the reason for requiring affordable housing, and as such viability appraisals for each individual development parcel within each Core Phase will be required to assess whether the target figure of 40% can be achieved. Affordable housing negotiation as part of the proposed section 106 working group will form a key part of the proposed PPA, and in reality it will be a core area of flexibility to maintain the realisation of the development along with other variables.
21. CND considers that both the 70:30 tenure split and 5%/20% wheelchair/ lifetime homes split are flexible in that the viability clause will cover these aspects should they be considered undeliverable or no longer required at the planning application stage. Flexibility could be added by replacing the minimum requirement with a target.

## Conclusion

22. CND strongly supports the flexibility offered by the Housing Mix policy WB10.

### What parts of the JAAP are unsound.

23. CND believes that the approach of policies WB 5 and 6 needs to be amended to reflect the position advocated in paragraph 4.52 as regards the population and consequent exact social infrastructure provision being determined at the planning application stage. The JAAP is presently too prescriptive.
24. Although supporting the thrust of the Affordable Housing policy and viability elements CND also has concerns that the policy and supporting text do not go far enough to assist with project viability.

### Which soundness test(s) it fails and why

25. The JAAP needs to be sufficiently flexible to enable development and negotiation during the PPA process, planning application and S.106. It needs to be 'Effective' in PPS12 terms (2008). CND does not object to the principle of community and social infrastructure, however, its exact provision needs to be based on evidence. Evidence which can be provided at the planning application stage. As such CND suggests that policies WB5 and WB6 be amended to reflect the wording given by CND representations ref: WSub213/214.
26. The Affordable Housing position clearly also needs to be 'Effective' given the primary need to maintain housing delivery. This arises due to the presumption that 40% should be required, notwithstanding the viability clause and also due to the inferred requirement to supply free and serviced land, an additional cost to the developer.
27. CND recognises the need to deliver affordable housing, but in the absence of guaranteed levels of public subsidy the level must reflect the developers ability to pay.

### How the JAAP can be made sound. Including the precise changes & wording that is sought

28. CND suggests changes to the Affordable Housing policy and supporting text as follows:

- Mention made of 40% being a 'target' with upward and downward flexibility, this being a adaptation of the viability clause principle presently contained within WB11, the principle of which CND strongly support;
- Reference to the market considerations and overall development viability as material considerations (i.e. bulk out and expand on the present viability clause);
- A requirement that every reserved matters planning application be accompanied by a affordable housing viability toolkit, which relates back to a cascade mechanism agreed at the original outline stage;
- Reference to the 'free land' option being an available solution should the situation be required (stated in the supporting text of WB11);
- Reference to the potential of additional grant funding from the HCA to help facilitate the development of affordable housing.

29. Amended Policy Wording for WB11 is suggested as follows:

*Affordable housing should comprise a target 40% of the total housing provided in the neighbourhood.*

*~~Each phase of the development should contain between 30% and 50% affordable housing. The precise proportion for each phase will be determined having regard to the viability of that phase, the form and nature of the development, local housing needs and objectives, the need to secure a balanced programme of affordable housing delivery and the need to ensure that different types of affordable housing are appropriately and sustainably located~~*

*A tenure split of 70% social rented and 30% intermediate tenure should be provided across the neighbourhood.*

*A range of affordable housing type and size should be delivered for each tenure type. The guide within the Housing Position Statement should be considered as the starting point for negotiations with the local planning authority regarding the mix of dwelling type and size.*

*A ~~minimum~~ target of 5% of all affordable homes should be to fully adapted wheel chair standard and 20% of affordable homes should be designed to meet Lifetime-Homes standards.*

*The delivery of affordable housing will be kept under review during the course of the development. Changes in the size, type or tenure of the affordable housing may be sought to reflect changes in affordable housing need or objectives.*

*In the event that, for viability reasons, the developer considers the full requirement for affordable housing can not be met, the local planning authority will need to be satisfied fully that this is the case. In those circumstances it will discuss with the developer how and to what extent those requirements might be amended. The local planning authority may request a viability appraisal be carried out to accompany a planning application.*

**END OF STATEMENT**