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Ack

Sandra Hutchings

From: Neal Jillings <neal@jillings-hutton.co.uk>
Sent: 27 April 2015 08:38
To: DPD
Subject: JHP_Devonshire Homes_270415_2 of 2
Attachments: Exeter Hill SHLAA map.pdf; Willand_Adopted_LP3_Map.pdf

Follow Up Flag: Follow up
Flag Status: Completed

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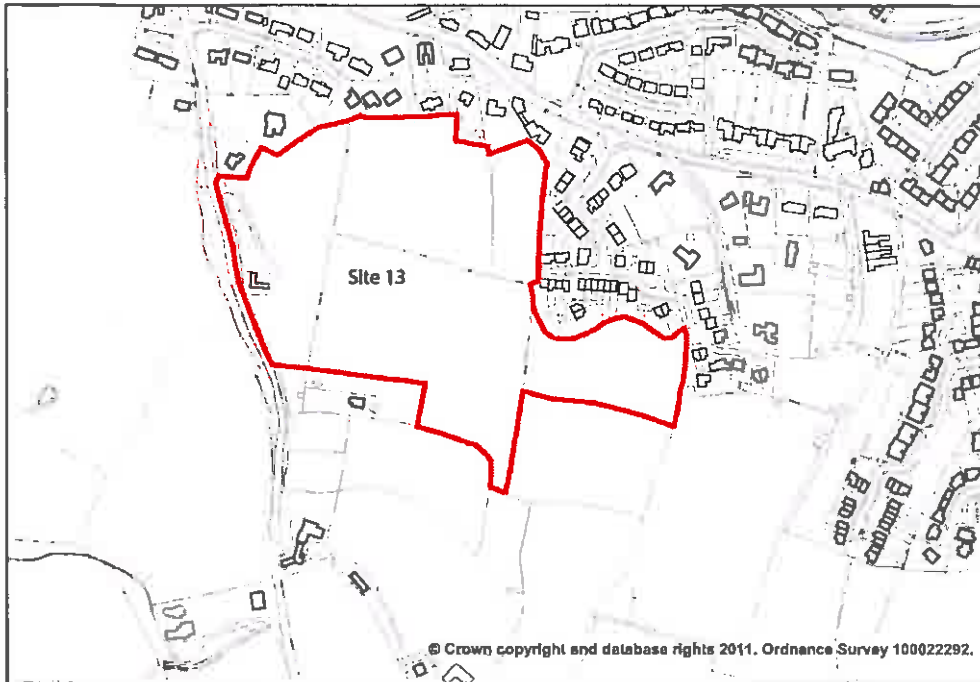


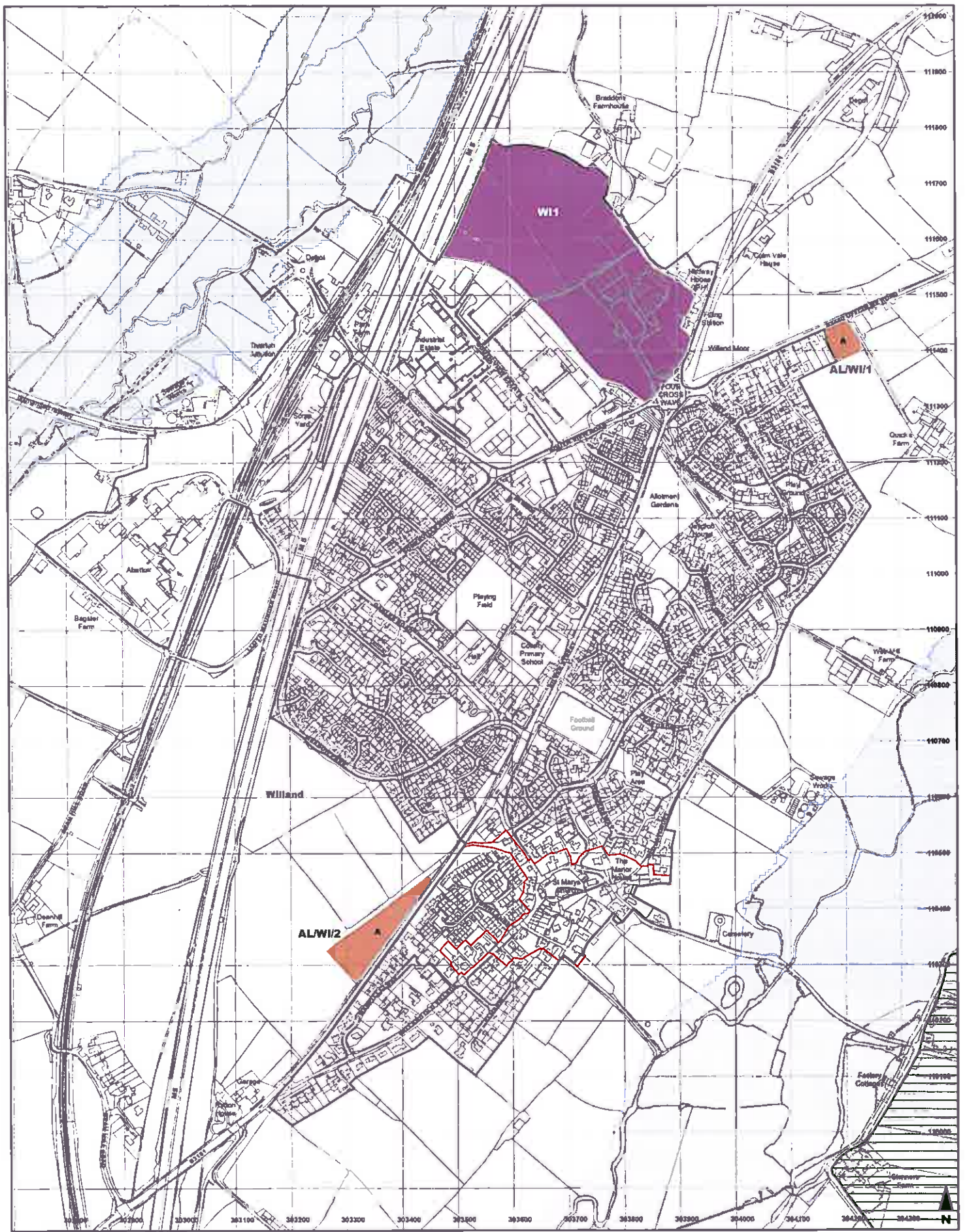
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- 1050/1255/S11
- 1050/1256/S13
- 1050/1257/TIV6
- 1050/1258/TIV7
- 1050/1259/TIV12
- 1050/1260/W11
- 1050/1261/W12
- 1050/1262/DM19
- 1050/1263/SA
- 1050/1264/SHLMA
- 1050/1265/OTIV13

sd4

Settlement: Tiverton

Site Reference & Name: Site 13, Exeter Hill





Settlement Limit		Employment	
Conservation Area		Local Register of Historic Parks and Gardens	
Affordable Housing		Floodplain	

Mid Devon Local Plan
Policies Map
Willand

Scale
1:6000

Adopted
October
2013

Notes: 1. The Ordnance Survey map has been issued on the basis of the best available information. The Ordnance Survey does not accept any liability for errors or omissions. 2. The map is based upon Ordnance Survey data with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown copyright and map data © 2013. All rights reserved. Ordnance Survey Licence No. 100019200.



Local Plan Review Consultation
Forward Planning
Mid Devon District Council
Phoenix House
Phoenix Lane
Tiverton
EX16 6PP

27 April 2015

Dear Sir/Madam

Devonshire Homes – Land to the north of Willand and land at Exeter Hill, Tiverton

I write on behalf of the above in relation to the Local Plan Review in general and the site shown on the attached plan. There are three separate documents commented on (the Proposed Submission Local Plan Review 2013-2033, the accompanying Sustainability Appraisal (SA) and the Strategic Housing Market Assessment (SHMA)) and comment is made in the order of the documents. In addition to this, a number of site specific comments are made. The overarching aim of this brief representation is to highlight the case for allocating land at Exeter Hill, Tiverton for residential development and to reassess the land to the north of Willand for residential development within the context of comments on detailed text within the documents set out above.

Local Plan Review 2013 – 2033

Para 1.16 – Notwithstanding concerns over the overall housing requirement and the limited growth expected in the S13 villages, we welcome reference to a distribution strategy that incorporates directing housing growth to appropriate rural settlements, Willand being one. This is entirely appropriate.

Paras 2.2 and 2.3 - We consider that the housing requirement of 7,200 is too low and should be more in the region of the 8,400 previously put forward in the plan making process. This needs to occur to meet population growth as set out in the SHMA and to deal with under delivery against the Core Strategy (LP1) housing requirement of 390 dwellings per annum (dpa) for the period 2006 - 2016 as clearly set out in Policy COR3. We consider that there is too much emphasis on Cullompton, which is primarily based on being the path of least resistance and overly car based growth (linking into the M5) rather than being the best and most sustainable option to meet the needs of the plan area up to 2033. In addition there is a danger of an over reliance on a too small number of large, infrastructure dependant, allocations, such as East Cullompton. Delay on such a large and critical site could have dire consequences for meeting overall housing need in the plan area. There is of course the problem of whether half of the people wanting new dwellings want or need to live at east Cullompton. Whilst convenient on a hypothetical basis in making some numbers add up, we question if the overall distribution is the best option for the plan area. We consider that further growth should be diverted to the larger rural settlements, as identified under Policy S13.

Para. 2.9 – this states that the Local Plan makes extra provision over the requirement. The relevance of this statement is clearly dependant on a number of things; firstly, whether the ‘requirement’ is the correct figure taking into account the full objectively assessed need (FOAN), secondly whether the ‘policy on’ position applied to the FOAN has been done so correctly and thirdly whether the commitments relied upon are built out in full. In respect of the latter point, this is clearly unlikely. The inference that the Plan over provides in terms of housing numbers is clearly not as categorical as intended within the Plan in our view.

Para. 2.11 – We have previously expressed concern over the use of the contingency sites and do so again. We consider that, in the instance of chronic under delivery where they may be required that they will not be able to deliver residential development any quicker than the sites they are meant to replace. Whilst laudable in hypothetical terms, there is no evidence that they can assist in any meaningful sense.

Policy S1 – Same comments as above re over reliance on strategic growth at East Cullompton.

Policy S2 – We support reference to promoting vibrant rural communities. On that basis we express concern at the limitation set in policy on meeting the housing needs of rural communities. There is no meaningful distribution of development to the S13 villages. The result will be a continuation of the trend of unaffordable houses in rural areas, with those without the financial means to compete in the market place (or not defined as being eligible for affordable housing in rural areas) being forced to live in either Tiverton or Cullompton in all likelihood. Whilst to wording in the policy refers to supporting rural communities, which must include meeting housing needs (open market and affordable), in broad terms, the result of the policy’s distribution will actively act against this. Higher levels of growth in the S13 settlements was consulted on previously and we consider that this level is more appropriate.

Para. S3 – In relation to sites between 6 and 10, we question how this will be implemented as there is no guidance on the financial contribution. This needs to be included. Paragraph 154 of the NPPF states;

“Local Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan”.

As such, more guidance is required. In addition, we query how this will be implemented by reference to limitations on the pooling of planning obligations as set out in CIL Reg. 123.

Policy S4 – The levels of delivery have to fall to such stupendously low rates for it be engaged that it is unlikely to be required. The thought and consideration that has gone into it is to be applauded, but we question its utility. With regard to five year supply, the policy wording does not accord with the NPPF para 49 and para 14 (i.e. lack of five year land supply has consequences beyond that expressed here). The Council should be working proactively to bring forward allocations and outstanding planning consents in any event, regardless of the land supply position. We consider that the trigger level is set too late and that release of any contingency site will be ‘too little, too late’ and will not address the problem the policy seeks to remedy.

Para 2.51 – We question the deliverability of this site.

Para 2.63 – We question the deliverability of the TIV7. Regarding TIV6, we highlight 14/01047/MARM which is the reserved matters approval for 255 dwellings and not 300. As a matter of principle, the numbers relied upon for housing delivery throughout the plan area should reflect reality and what will actually be delivered. Justification for the capacity of all site relied on should be set out by the Council at examination to demonstrate that they can be relied on.

Policy S11 – We note how heavily dependent this is on delivery of infrastructure (J28 of M5, Cullompton Railway Station, construction of new highway links) and therefore question reliance upon the site. We consider that these types of sites inevitably take longer to deliver than first envisaged. We would urge caution on an overreliance on this site.

Para. 2.69 – Beyond East Cullompton, the Plan is heavily dependent on housing delivery at Cullompton generally. We question if the market will deliver such a concentration in one town in the plan period.

Para. 2.79 – As above, we question how the off-site contribution will be calculated. Such information should be included within the document.

Policy W11 – We consider a more suitable site for residential development at Willand is the remainder of the Mid Devon Business Park, which lies within the existing settlement limit.

Policy W12 – For the reasons set out in the application documentation relating to viability and marketing, we object to the continuing allocation of this site for employment floorspace only.

Policy DM19 – We support this policy in that it broadly reflects paragraph 22 of the NPPF. The worth of the policy however is in interpretation and implementation and the local planning authority must engage with the principles set out in the policy wording in development management decisions.

Sustainability Appraisal (February 2015)

Para. 2.28 states that the housing affordability problems are *“acutely felt in some of the more rural locations of the district, where house prices may be even higher, and will need to be addressed through affordable housing delivery”*.

Para. 2.35 highlights that Mid Devon has experienced higher than average population growth between 2001 and 2011.

Para. 4.4 states that the 2015 SHMA indicates that the objectively assessed need for the plan area is 7,200. We question if this is the case, and note that there are a range of figures and that the 7,200 is in the lower half of the figures put forward based on different assumptions and scenarios. Paragraph 47 of the NPPF clearly states that *“local planning authorities should...use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework”*. It appears that the 7,200 is the ‘policy on’ figure and not the full objectively assessed housing need, but we would welcome clarification from the local planning authority on this point at examination.

Para. 4.9 assesses the amount of residential development against nine sustainability objectives. It concludes that the preferred 7,200 figure will have a neutral effect on protection of the natural environment, but that a slight increase to 8,400 will have a minor negative effect on the objective. We appreciate that the SA is a question of judgement, but this assessment has not been undertaken in an objective manner (to use this example). The justification for there being a trigger in between 7,200 and 8,400 where the neutral effect trips over into negative is none existent. Similarly, one must question why the benefits against ‘supporting retail’ for example by virtue of having more houses meaning greater spending power in the locality is not highlighted in relation to the higher growth scenario.

Para 4.19 sets out the distribution scenarios and highlights that the consultation preferred scenarios one and two, rather than the one set out in the proposed submission version. We appreciate that deliverable sites in the

SHLAA play a part in choosing the strategy, but consider that the overall strategy comes first and that this strategy enables sites previously thought to be undeliverable to become deliverable.

The table under Par. 4.25 assesses three distribution scenarios, but not a wider distribution to the larger villages. We consider that this should be undertaken.

Para. 4.26 acknowledges that “it is recognised that the level of supply is unlikely to meet the anticipated need as not all allocations will come forward or others may be developed with a lower number than specified in the policy”. The example of TIV6 set out above is an illustration of this. This is an important recognition that ought to indicate that deliverable sites such as those shown on the attached plans ought to be seriously considered in the Local Plan. There is no technical impediment to delivery and the site can be delivered within five years.

Para. 4.49 highlights the benefits of locating appropriate levels of development in S13 villages; we concur and support this policy intent. However, we do not consider that the Local Plan goes far enough in this regard and should change its approach from the current one (essentially of restraint) to a more positive one highlighting the benefits of locating growth in all of the identified S13 villages on a much more consistent basis.

Para. 4.50 highlights that “since 2006 the average housing completions outside the towns have been twice the level anticipated, leading to the need for allocation sites within villages to be included in the Local Plan Review”. It is a core planning principle set out in paragraph 17 of the NPPF that Local plans should take account of market signals. This recognition in para 4.50 of the SA is a clear market signal. The Plan does acknowledge it, but not sufficiently in our view.

Para. 4.51 highlights that the proposed distribution previously consulted on was 1,600 and 1,040, but we have ended up with 720 with no justification.

Strategic Housing Market Assessment

Para. 4.14.1 – We note the key relationship that Mid Devon also has with Taunton and query whether this has been fully taken into account (in both the Mid Devon Local Plan Review and also in Taunton Deane). It may well have been, but this is not clear to us.

Table 8-1 highlights that the “highest increase in population over the ten year period was recorded in Mid Devon (+11.5%; 8,026 people), higher than all the other Local planning Authority areas, regional and national levels”.

Table’s 8-7 to 8-10 set out a range of annual housing requirements, from 339 dpa to 400 dpa (total requirement of 6,780 to 8,000). The 360 figure in the Local plan Review mirrors the 361 figure set out in Table 8-8, which is based on 2011 based projections. The 400 dpa figure is based on the 2008 based projections. We highlight our concern that the 2008 based figures are more robust as they cover a longer time frame than the interim 2011 based figures, which would need to be extrapolated out from ten years to twenty. We favour the 400 figure and question the reliance on the requirements based on interim projections found within the Local Plan.

We highlight Table 9-4, which uses the incorrect annual housing requirement of 340 to calculate the shortfall/surplus against delivery. Policy COR3 of the Core Strategy (Local Plan Part 1) states the following;

“The diverse housing needs of the community will be met through the provision of approximately 6800 dwellings between 1st April 2006 and 31st March 2026, including a target of 30% (2000) affordable dwellings and an appropriate mix of dwelling sizes and types. In line with strategic requirements for a long term reduction in the annual rate of new housing development, these will be phased as follows:

a) 390 dwellings, including 100 affordable dwellings, per year between 2006 – 2016;

b) 290 dwellings, including 100 affordable dwellings, per year between 2016 – 2026”.

Against a delivery figure over 2006 to 2014 of 2,627, the adopted Local Plan housing requirement for the same time period is 3,120, meaning a shortfall of 493, rather than the surplus of 79 identified in the SHMA. We question how the incorrect calculation of the authority’s housing requirement, by reference to adopted policy, impacts on the findings of the SHMA in terms of how an identified backlog should be dealt with. This shortfall should be made up in the first five years of the plan period (or at least the first five years following adoption). Not taking this into account is a major deficiency on the SHMA’s advice to Mid Devon in terms of setting the Local plan’s strategic housing requirement in our view.

In addition we highlight NPPG guidance (Paragraph: 015 Reference ID: 2a-015-20140306) which states that “*the household projection-based estimate of housing need may require adjustment to reflect factors affecting local demography and household formation rates which are not captured in past trends. For example, formation rates may have been suppressed historically by under-supply and worsening affordability of housing. The assessment will therefore need to reflect the consequences of past under delivery of housing. As household projections do not reflect unmet housing need, local planning authorities should take a view based on available evidence of the extent to which household formation rates are or have been constrained by supply*”.

Table 1-4 sets out an average affordable housing need of 124 units. This contradicts what paragraph 2.27 of the Local Plan sets out, which is that the SHMA concluded that 96 units of affordable housing are needed per year to address backlog and newly arising needs. Again the consequences of this mismatch are unclear, but consider that the examination should address this issue, given paragraph 47 of the NPPF.

Land at Exeter Hill, Tiverton

This site was assessed within the SA and highlights landscape impacts. The site and its surrounding is not a valued landscape under 109 of the NPPF and we consider that this impact is exaggerated. Given concerns over the housing requirement and the over reliance on large, infrastructure dependent, allocations, we consider that the Local Plan should include smaller, more readily deliverable, sites such as this.

Land to the north of Willand

This land falls within the adopted settlement limit for Willand and has been allocated for employment floorspace for some time. London & Devonshire Trust has owned the front part of the site for ten years and has built a number of units speculatively. However, an application for up to 97 dwellings (14/01938/MOUT) was refused by Mid Devon District Council on the 23rd of April 2015. We attach the decision notice. This application was made on the basis of guidance in paragraph 22 of the NPPF and adopted policy DM21 of the Local Plan Part 3 and was supported by extensive information on marketing undertaken. We attach some of the application documentation for information. Land to the west of the application site running down towards the M5 is proposed to be deleted as an employment allocation and also excluded from the settlement limit. For the same reasons stated above in relation to Exeter Hill, we consider that both sites (both currently within the settlement limit of Willand) should be allocated for residential development.

We intend on appearing at the examination to explore the issues set out above in greater detail.

Yours faithfully

Sandra Hutchings

From: Neal Jillings <neal@jillings-hutton.co.uk>
Sent: 27 April 2015 08:26
To: DPD
Subject: JHP_Devonshire Homes_270415_1 of 2
Attachments: JHP_Devonshire Homes_270415.pdf; 470-01 ILLUSTRATIVE LAYOUT.pdf; 470-DESIGN & ACCESS STATEMENT.pdf; refusal_1401938.pdf

Reference No: 14/01938/MOUT
Parish: Willand 59

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OUTLINE PLANNING APPLICATION

Name and Address of Applicant:

Devonshire Homes
C/o Mr N Jillings
Jillings Hutton Planning
23 Hutton Planning
23 Southernhay East
Exeter
EX1 1QL

Name and Address of Agent:

Date Registered : 17th December 2014

Proposal: Outline application for up to 97 dwellings, to include the importation of inert waste to raise land, with details of access onto the public highway provided and with all other matters reserved for future consideration

Location: Land at NGR 303843 111382 South View Road Willand Devon

Site Vicinity Grid Ref: 303843/111382

MID DEVON DISTRICT COUNCIL HEREBY REFUSES OUTLINE PLANNING PERMISSION FOR THE ABOVE DEVELOPMENT

Reasons for Refusal:

1. Policy COR17 of the Mid Devon Core Strategy (Local Plan Part 1) seeks to deliver minor development proposals in the recognised villages in the District, of which Willand is one. In the opinion of the Local Planning Authority the development of 97 dwellings in Willand would be a significant development in the context of Policy COR17 and therefore be contrary to the objectives of the policy and the development focus set out in Policy COR12 of the Mid Devon Core Strategy (Local Plan Part 1) which seeks to reduce housing rates in the rural areas.
2. In the opinion of the Local Planning Authority, the development of the site, sandwiched between two areas of employment development and physically divorced from the existing pattern of housing development in the village would not represent the high quality development required by Policy DM2 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework as it would be out of context with the spatial pattern of development in the village and would not be well integrated with surrounding buildings, streets, landscapes and uses.

3. In the opinion of the Local Planning Authority, insufficient information has been provided to demonstrate that there is no commercial interest in the use of the site for employment generating purposes, particularly having regard to the high land values which have been sought for the development of plots of land on the site, taking into account prevailing local market values for similar developments. Accordingly the application is contrary to the requirements of Policy DM21 b) of Local Plan Part 3 (Development Management Policies)
4. In the opinion of the Local Planning Authority, insufficient information has been provided to demonstrate that the development of the application site for mixed use purposes that incorporate an employment-generating use would not result in a financially viable development. The application is therefore contrary to the requirements of Policy DM21 c) of Local Plan Part 3 (Development Management Policies).

Statement of Positive Working

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application the Local Planning Authority has worked proactively and positively with the applicant to ensure that all relevant planning considerations have been properly resolved. This has included discussions.

In accordance with paragraph 69 of the National Planning Policy Framework, the Local Planning Authority has also involved the community in the consideration of this application.

DEVELOPMENT PLAN POLICIES:

Mid Devon Core Strategy (Local Plan Part 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR3 - Meeting Housing Needs
COR4 - Meeting Employment Needs
COR8 - Infrastructure Provision
COR9 - Access
COR11 - Flooding
COR12 - Development Focus
COR17 - Villages

Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2)

AL/DE/1 - Housing Plan, Monitor and Manage
AL/DE/3 - Affordable Housing Site Target
AL/IN/3 - Public Open Space
AL/IN/5 - Education Provision
AL/IN/6 - Carbon Footprint Reduction
AL/CU/15 - Cullompton Air Quality

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM3 - Sustainable design
DM4 - Waste management in major development
DM7 - Pollution
DM21 - Protection of employment land

Relevant Plans

The plans listed below are those which were considered in determining the application:

PHL-001 REV A - Block Plan

Site Location Plan

PHL-003A ACCESS ARRANGEMENTS - Dated: 06/12/2014 - Proposed

Signed:

**Head of Planning and Regeneration
Mid Devon District Council**

Date: 24th April 2015

Please refer to notes attached

NOTE – Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act, 1990 in respect of which enforcement action may be taken.

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against the Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- Forms of appeal may be obtained from The Planning Inspectorate, Customer Support Team, Room 306, Temple Quay House, 2 The Square, Temple Quay, Bristol BS16PN. Alternatively, requests for appeal forms can be made by telephone: 0303 444 5000. Appeal forms can also be submitted electronically via the planning portal at <http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable is set out in Section 114 of the Town and Country Planning Act 1990.