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From:
Sent: 26 April 2015 09:55
To: DPD
Subject: JHP_Silverton_270415
Attachments: JHP_Silverton_270415.pdf; Official Copy (Title Plan) - DN567435(12902175_1).PDF

5786/1473/S1
 5786/1474/S2
 5786/1475/S3
 5786/1476/S4

Dear Sir/Madam

Please see attached re the Local Plan Review.

Regards

Neal Jillings BSc(Hons) MA MRTPI

Director - Jillings Hutton Planning

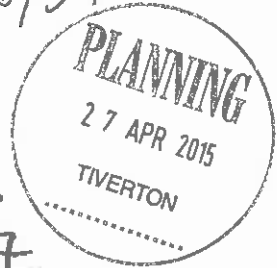


a: 3rd Floor, 23 Southernhay East, Exeter, EX1 1QL
 t: 01392 424 662

e: neal@jillings-hutton.co.uk
 w: www.jillings-hutton.co.uk



5786/1477/S11
 5786/1478/S13
 5786/1479/TIV6
 5786/1480/TIV7
 5786/1481/TIV12



5786/1482/S11
 5786/1483/ISA
 5786/1484/SMMA



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

25 April 2015

Dear Sir/Madam

Pemberton Hutton Developments – Land at Old Butterleigh Road, Silverton

I write on behalf of the above in relation to the Local Plan Review in general and the site shown on the attached plan. We support the identification of the land for a small development as a matter of principle. We make comment on the Local plan, the Sustainability Appraisal and the SHMA below.

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, Silverton 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.

Policy S13 – We support the identification of Silverton under this policy for some limited growth to occur in the plan period by reference to facilities within the village.

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

Policy SI1 – The Local Plan should clearly set out how the financial contribution will be worked out and that it accords with the relevant guidance in the NPPG (Paragraph: 012 Reference ID: 23b-012-20150326), as set out below.

“National planning policy defines specific circumstances where contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build development, as set out in the Written Ministerial Statement on small-scale developers.

- *contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm (gross internal area).*
- *in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty”*

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 identified under S13. 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.

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. This approach needs to be more clearly evidenced.

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 2001

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 short 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.

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

Yours faithfully

Neal Jillings BSc(Hons) MA MRTPI
Director – Jillings Hutton Planning

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from Land Registry.

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Land Registry
Official copy of
title plan

Title number **DN567435**
Ordnance Survey map reference **SS9503SE**
Scale **1:1250** enlarged from **1:2500**
Administrative area **Devon : Mid Devon**



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