

6748/CF1/mod

From: Local Plan Review
Subject: FW: Local Plan Review - Mods consultation
Attachments: WYG Submission changes rep Feb 2017.pdf

From: robin.upton [REDACTED]
Sent: 14 February 2017 09:07
To: Local Plan Review
Cc: Nick Hawkins (Rosebourne Properties)
Subject: Local Plan Review - Mods consultation

Hello

Please find the attached representations, submitted on behalf of Mrs A Hawkins and Mr D Parsons that have a controlling interest in land at Barnshill Close that is proposed to be allocated for 7 dwellings pursuant to Policy CF1. These representations query the need for modification ref' 129 and request some minor changes to the proposed wording of allocation policy CF1.

Regards

Robin Upton MRTPI
Director - Planning

WYG
Hawkridge House, Chelston Business Park, Wellington, Somerset, TA21 8YA
Tel: [REDACTED]
Mob: [REDACTED]

www.wyg.com

WYG Environment Planning Transport Limited. Registered in England number: 3050297.
Registered Office: Arndale Court, Otley Road, Headingley, Leeds, West Yorkshire LS6 2UJ VAT No: 431-0326-08.



This message contains confidential information and is intended only for the recipient. If you are not the recipient you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept

liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission. If verification is required please request a hard-copy version.



Ref: RU/A095641

Email: [REDACTED]

Date: 14 February 2017

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

Dear Sir or Madam

**Policy CF1 Barnhill Close, Cheriton Fitzpaine
Proposed Minor Modification 129**

We write on behalf of Mrs A Hawkins and Mr D Parsons that have a controlling interest in land at Barnhill Close that is proposed to be allocated for 7 dwellings pursuant to Policy CF1.

Proposed Minor Modification 129

The proposed change (reference 129) adds additional text to the policy based on the Council's Historic Environment Appraisal of local plan sites. The proposed additional text is as follows:

The site lies outside but relatively close to the edge of the conservation area. Appropriate design and choice of materials should ensure that there is no detrimental impact on the character and appearance of the historic environment.

We wonder whether a site visit was made as part of the Council's historic appraisal of local plan sites? On a map it could be construed that the Conservation Area boundary is relatively close, however when visiting the site it is clear that there is no functional relationship or intervisibility between the Conservation Area and the proposed site. The site is surrounded on all sides by relatively new development from the 1980's onward.

Hawkridge House, Chelston Business Park, Wellington, Somerset TA21 8YA
Tel: [REDACTED] www.wyg.com

WYG Environment Planning Transport Limited. Registered in England & Wales Number: 3050297
Registered Office: Armdale Court, Headingley, Leeds, LS6 2UJ



creative minds safe hands



We have no issue with wording to the effect that the development of the site should respect that character and appearance of the village, but we wish to distinguish this from that fact that the site does not directly relate to the historic environment that the proposed additional text implies.

We do not therefore consider this additional text to be necessary and that the design aspirations for the site are adequately controlled by Policy DM2 "High Quality Design" of the adopted Local Plan Part 3 – Development Management Policies.

It should be noted that Minor Modifications 129 contains a typo as it excludes the letter "s" from Barnshill Close. The spelling of Barnshill Close is correct in the actual submission version of the Local Plan.

Additional Requested Minor Modification

Rosebourne County Homes are in the early stages of preparing a layout for the site. This initial work has identified that the site could comfortably contain approximately 10 dwellings at the site incorporating the proposed Housing Standards of Policy DM12, providing large gardens and maintaining a relatively low density development suitable for this village environment.

The precise number of dwellings would of course be established through the design process and community engagement. Not wishing to pre-empt the design process, the proposed Policy CF1 requirement of precisely 7 dwellings is however considered to be too prescriptive. A development of 8 units may be perfectly acceptable in all respect but could be regarded as being contrary to Policy DM12 in its current draft.

It should be noted that the 2013 SHLAA considered that between 9 and 15 dwellings were appropriate for the site. The 2014 SHLAA further reviewed its assessment of the site concluding that 12 dwellings would be appropriate. We therefore suggest that the Policy CF1 proposal of 7 dwellings is merely an arbitrary number and has not been based upon appropriate design consideration.

The proposed allocation of 7 dwellings would equate to a density of approximately 20 dwellings per hectare. This density is considered to be too low, even bearing in mind the rural location of the site. The recent housing white paper states that amendments to the NPPF will be made to make it clear that plans and individual development proposals should make efficient use of land and avoid building homes at low densities.





We therefore request that Policy CF1 be amended to refer to the provision of 10 dwellings. Alternatively if the Council does not wish to raise the number of dwellings, we suggest that the text be amended to state "about" 7 dwellings to allow for a small amount of flexibility.

The inclusion of the word "about" was added to all allocations in the recently adopted West Somerset Local Plan. This modification is referred to at paragraph 69 of the enclosed inspectors report where the inspector remarks that any concerns that the word "about" would not provide an upper limit to development are misplaced.

Conclusions

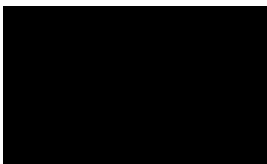
Having considered the proposed modifications, WYG recommend the following:

Recommendation 1 - Minor Modification 129 is not necessary as design is appropriately controlled by Policy DM2 "High Quality Design" and the site has no discernible relationship with the village Conservation Area.

Recommendation 2 – Policy CF1 should be amended to state provision of 10 dwellings or "about" 7 dwellings.

We trust that these recommendations will be taken into account.

Yours sincerely



Robin Upton
Director
For and on behalf of WYG





The Planning Inspectorate

Report to West Somerset Council

by Brian Cook BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 14 September 2016

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO WEST SOMERSET LOCAL PLAN TO 2032

Document submitted for examination on 31 July 2015

Examination hearings held between 14 and 22 March 2016

File Ref: PINS/H3320/429/1

scenarios developed in the early to mid-2000s to inform regional spatial planning. I therefore consider this part of the evidence base both dated and out-of-date and agree with those at the hearing sessions who felt that looking at employment provision on a 'B' Use Class basis no longer reflected the world of employment either today or in the future.

60. In some respects, this is reflected in the Stage 2 Report which notes that the economy of West Somerset is characterised by micro-businesses employing 10 people or fewer and representing 88% of the workplaces which equates to 34% of the employment base (EB9, #4.16). The economic vision for the Plan (SD4, #5.1) includes developing a thriving and varied local economy aided by the provision of super-fast optical broadband access which will enable more people to work close to or in their homes. It also anticipates that the Hinkley Point C project will have been completed having brought a considerable economic stimulus to the area.
61. An important consequential strategic objective is to create an aspirational, enterprising and entrepreneurial culture within West Somerset. This is unlikely to lead to a significant demand for employment land in the traditional sense which the Stage 2 Report puts at no more than 5ha in any event (EB9, #5.21). Of equal if not more importance to the achievement of the vision and this strategic objective is having the right policy framework in place; this is explored under the next issue.

Conclusion on this Issue

62. For the reasons set out above, I consider the figure of 2,900 dwellings to be justified by the evidence. Whether that represents the OAN as the Council considers it to be or a figure beyond that if the other authorities in the HMA are correct seems to me immaterial. It is the figure for which the Council is planning and is the most likely to deliver affordable housing in the numbers required. In view of the structure of the employment sector the traditional approach of making areas of land available for development is less appropriate and it is reasonable for the Council not to follow it.

Issue 3 - Whether the Plan's policies will implement the strategy, deliver the objectively assessed development needs and provide a five year supply of housing against requirements

General

63. The key Plan policies are SC1, SV1 and OC1. This nest of policies gives effect to the spatial strategy and creates the policy framework for the delivery of sustainable development and particularly affordable and other housing and employment generating uses. In order to be effective and consistent with national planning policy it is important therefore that they are consistent with each other, do not overlap and act positively to deliver the required development. As submitted, they do not achieve these soundness tests.
64. The intention is for policy SC1 to be supportive of development in and on the edge of the three main settlements and encouraging of development in the named primary and secondary villages. In achieving the latter, policy SV1 is intended to maintain or create balanced communities that will enable these villages to thrive. Policy OC1 addresses development everywhere else in the

Plan area including those settlements not categorised as primary or secondary villages and is generally supportive of all development other than market housing not required by a worker who needs to live in the countryside.

65. As submitted both policy SC1 and OC1 address development in the open countryside; this is therefore confusing. Moreover, while clause 4 of policy SC1 and bullet 1 of policy OC1 appear to deal with the same issue, the wording is slightly different; this is also confusing. While policy OC1 begins with the words 'residential development' it is obvious from both bullet 2 and the justification that it is intended to apply to all development proposals; the wording is therefore ambiguous. Finally, the way 'open countryside' is defined in the preamble to policy OC1 is inconsistent with that given in bullet 1 of the policy justification; this too is confusing. The Council has put forward a number of changes to these two policies (**MM2** and **MM12**) which will resolve these issues and ensure that in this regard the Plan meets the 'effective' test of soundness.
66. Still with policy OC1, as submitted, bullet 1 and the supporting justification is phrased in terms almost identical to those in the now replaced Planning Policy Statement 7 *Sustainable Development in Rural Areas*. This approach has not been carried forward in the Framework or the relevant paragraphs of the PPG and on a first read the Plan appears potentially inconsistent with national policy. However, the Council explained that in the particular circumstances of West Somerset it was justified to examine the economic and functional case for development in the open countryside so as to prevent the proliferation of isolated buildings, especially dwellings. On the evidence, I have no reason to disagree with that assessment which is not inconsistent with the Framework and Framework paragraph 55 in particular. No changes to policy OC1 are therefore required for soundness in this regard.
67. Representations have been made that the modification to policy OC1 would make it unsound; I do not agree. Framework paragraph 55 is quite clear that new isolated homes in the countryside should be avoided unless there are special circumstances. It then gives some examples of those circumstances which cannot be an exhaustive list and does not preclude local planning authorities setting their own if justified by the evidence. The Council's approach to the conversion of traditionally constructed buildings is justified in the particular circumstances of West Somerset. Furthermore, the modified policy has to be read together with policies EC8 and EC9 which deal with tourism development to appreciate the full policy framework.
68. Returning to policy SC1, many of those making representations understood the definitions of 'limited development' and 'small-scale development' given in the justification to be overly restrictive as applied to housing development. The Council explained that this was not the intention; that was to achieve a manageable rate of change over time. Given national planning policy and the need for the primary and secondary villages to make an important contribution towards housing supply in the Plan area the Council's intention must be correct. However, using the word 'maximum' does not allow that interpretation and, in any event, is unnecessary as application of policy SV1 would allow balanced communities to be maintained. **MM3** will modify the definitions in the justification and will more clearly express the Council's

intention for the policy. **MM3** also makes clear that the number now given for each named village refers to the settlement rather than the parish.

69. Those making representations on the main modifications expressed concern about this change feeling that it could inhibit the ability of some settlements to grow and thereby preserve important local facilities. However, I consider these concerns to be misplaced and to be reading 'about' as still imposing an upper limit on new development. Read with policy SV1 that would not be the practical application of policy in my judgement.

Housing - Affordable housing

70. The Council has always been clear that its biggest concern is not so much the OAN *per se* but the composition of it and the finding of the original SHMA that the need for social housing would amount to about 60% of the total need over the Plan period (EB7, #50).
71. In essence, the approach of the Plan is to achieve affordable housing on development sites in a ratio of 35:65, affordable: open-market housing. The Council recognises that this will not deliver the amount of affordable housing required but the general consensus at the hearing sessions was that this approach was, nevertheless, realistic. As I will come to later when addressing housing land supply, historic build rates are consistent and almost entirely uninfluenced by plan requirements. There is simply no evidence that imposing an uplift to the OAN in order to help meet identified affordable housing needs would have any practical effect.
72. Nearly 50% of the total housing provision is however proposed on three strategic sites. A significant proportion of the affordable housing requirement will therefore need to be delivered from them. A finding of the Strategic Housing Viability Assessment is that if the required affordable housing threshold is to remain the priority for these sites there would be no residual balance to support the cumulative costs of other policy requirements or a margin to absorb adverse market changes (EB4, page 47, Recommendation 1). Having said that, some participants were more optimistic about the affordable housing that might come forward on these sites pointing to the role of the Homes & Communities Agency in some developments in Minehead.
73. At the time of the hearing sessions the strategy and policy framework for the delivery of affordable housing was nevertheless uncertain for two reasons. First, policy SC4 as submitted was not then in accordance with national planning policy as it stood at that time and, second, the Housing and Planning Bill could have an impact on the scale of affordable housing that might be delivered. These are now dealt with in turn.
74. Although I understand this not to be the Council's preferred approach, policy SC4 as submitted limits the requirement for provision of affordable housing to sites of 11 or more dwellings or, exceptionally, 6-10 dwellings in specific settlements or circumstances. This approach follows that set out in the Written Ministerial Statement of 28 November 2014 and the associated guidance in the PPG. This was however successfully challenged in the court⁴

⁴ *West Berkshire District Council and Reading Borough Council v Secretary of State for Communities and Local Government* [2015] EWHC 2222 (Admin)