

Briefing

Examination of the East Lindsey Core Strategy and the East Lindsey Settlement Proposals DPD: Inspectors' Matters, Issues and Questions – Stage 1 Core Strategy (May 2017)

June 2017

1. This Hearing Statement has been prepared on behalf of St Andrews Healthcare in respect of their land interests to the south of Tothby Lane, Alford (“the site”).
2. The site is approximately 9.8 hectares in area and is located on the western edge of Alford. The centre of Alford is located 0.8km to the east of the site and it is bound by residential properties on its eastern and southern boundary; whilst a dismantled railway and Tothby Lane bound the site on its western and northern boundaries respectively.
3. The site is available and represents a suitable and achievable opportunity to deliver up to 200 dwellings over the plan period.
4. The site has previously been promoted through the Local Plan by Turley during the public consultation on the Core Strategy Pre-Submission Draft in January 2017 and the Draft Core Strategy in June 2016.

Matter 6 – The approach to housing development, particularly in the Inland areas (Policies SP3 and SP4)

Question 1: Is there a policy which specifically allocates the housing sites set out in the Settlement Proposals DPD?

5. No. It is recommended that Policy SP3 is expanded so that Table B at paragraph 21 of the Core Strategy Submission Draft is incorporated into policy text rather than being explanatory text for the purpose of clarity and robustness.

Question 2: The plan states (para 14, para 23) that the starting point requirement for the settlement is calculated on the number of households as a percentage. Is this starting point figure for each of the inland Towns and Large Villages set out anywhere?

6. No comment.

Question 3: Taking into account allocations and commitments, what is the planned level of housing growth in each of the inland Towns and Large Villages? Do the larger settlements get more housing growth, as stated in CS para 14, page 23?

7. The planned level of housing growth in each of the inland Towns and Large Villages is set out at paragraph 21 within Table B, which shows the minimum allocation of housing across the inland Towns and Large Villages.

8. It is considered that not all of the larger settlements get more housing growth as stated at paragraph 14 and 23 of the CS. For instance, there is concern with the allocation of 161 homes at Alford, which is explored in further detail in our response to Question 4.

Question 4: Taking commitments into account, is the overall extent and distribution of the housing allocations to the inland Towns justified (ie - Louth 1204, Alford 161, Coningsby/Tattershall 417, Horncastle 0, Spilsby 264)? How were the minimum allocation figures in Table B on page 26 arrived at? In some cases these figures are less than in some of the Large Villages (eg Holton le Clay 326, Sibsey 239 and Woodhall Spa 352) – is this justified? How does this relate to the Settlement Pattern in Policy SP1 (see Policy SP3 which refers to housing growth being distributed as set out in the Settlement Pattern).

9. The allocation for Alford has not been positively prepared and is unjustified given that Holton le Clay and Woodhall Spa, which are classified as 'Large Villages', both have larger allocations equal to 326 and 352 respectively. The larger allocations to the two Large Villages is both contradictory with SP1 and is inconsistent with the NPPF core planning principle to actively manage patterns of growth in locations which are sustainable. Furthermore, this approach to housing distribution does not meet the overriding aims of plan-making towards balancing housing growth relative to infrastructure and the size of settlements.
10. In all, the spatial distribution does not clearly state why the apportionment between 'Towns' and 'Large Villages' is as set out in Table B at paragraph 21. Further justification text is required in terms of why each settlement has been allocated their respective amount, particularly in respect to Alford.

Question 5: Why are no allocations proposed in Horncastle? Is the planned level of housing growth in Horncastle appropriate, having regard to existing housing commitments?

11. No comment.

Question 6: A significant proportion of the total from inland allocations is to be provided in Louth (1204 out of 3901). Taking commitments into account, is the scale of increase justified?

12. It is considered that the significant proportion of the total from inland allocations to be provided in Louth, when taking commitments into account, is unjustified and is not the most appropriate strategy for housing growth.
13. The proportion of the total inland allocations to be provided at Louth from the overall District wide housing target for the plan period is approximately 15.5% of the housing target.
14. This is an appropriate proportion and it is our view that the scale of increase should be partially redistributed to other inland Towns, such as Alford, where housing should be located to maintain and enhance the vitality of the community, and prevent the outward migration of the younger demographic to other settlements outside the East Lindsey administrative boundary.

Question 7: Taking commitments into account, is the overall extent, distribution and scale of the housing allocations in the inland Large Villages justified (these vary from 0 in some settlements to 352 in Woodhall Spa)? How were the minimum allocation figures in Table B on page 26 arrived at? How does this distribution relate to the Settlement Pattern in Policy SP1 and does it take adequate account of the availability of services and facilities in the Large Villages? (see Policy SP3 4 which refers to housing growth being distributed as set out in the Settlement Pattern).

15. The distribution and scale of the housing allocations in the inland Large Villages is not justified, regardless of taking commitments into account, given that Holton le Clay and Woodhall Spa, both have larger allocations equal to 326 and 352 respectively, compared to the allocation of 161 homes at Alford.
16. The larger allocations to the two Large Villages is both contradictory with SP1 and is inconsistent with the NPPF core planning principle to actively manage patterns of growth in locations which are sustainable. Furthermore, this approach to housing distribution does not meet the overriding aims of plan-making towards balancing housing growth relative to infrastructure and the size of settlements.
17. In all, the spatial distribution does not clearly state why the apportionment between 'Towns' and 'Large Villages' is as set out in Table B at paragraph 21. Further justification text is required in terms of why each settlement has been allocated their respective amount, particularly in respect to Alford, Holton le Clay and Woodhall Spa.

Question 8: What is the justification for there being no allocations in the large villages of Huttoft and Partney?

18. No comment.

Question 9: Is the approach to windfall sites in the inland Towns and Large Villages justified? Does Policy SP3 5 provide a clear indication of how a decision maker should react to a development proposal, given there are no settlement boundaries? Will it be clear when a particular site within or adjoining the main body of the settlement would be spatially appropriate and would not leave the development out of character or isolated from the main body of the settlement? Is there any definition or explanation of these terms? Is there intended to be any limit on the extent of housing growth allowed in these settlements under this policy or to the size of individual sites/developments? Is there any intended priority to sites within the main body of the settlement or to previously developed land? The supporting text (para 29) states that historically many windfall sites have been very small scale infill sites – is the continuation of this past position the policy intention here?

19. It is acknowledged that paragraph 48 of the NPPF supports an allowance for windfall sites if such sites have consistently become available in the local area, which is clearly apparent across the District. As paragraph 29 of the Core Strategy Submission Draft sets out windfall sites have historically contributed up to 50% of the District total housing supply. The Council has made great effort to reduce the allowance for windfall sites in their five year housing land supply, which is set out as 15%.
20. However, it is considered that greater weight should be placed on allocating appropriate sites to promote development and boost significantly the supply of housing. Paragraph 157 of the NPPF sets out that crucially Local Plans should plan positively for the development and infrastructure

required in the area and indicate broad locations for strategic development and/or allocate sites to promote development and flexible use of land.

21. Given this, the opportunity should be taken now to allocate sustainable sites for housing rather than in five years from now when “additional sites can be allocated if the need and evidence arises” as outlined at paragraph 31 of the Core Strategy Submission Draft.

Question 10: Is Policy SP3 5 on windfall development in the inland Towns and Large Villages consistent with national policy in the NPPF (paras 115 and 116) regarding Areas of Outstanding Natural Beauty (given there are Large Villages within the AONB – Binbrook, Tetford and Partney)?

22. Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty (AONB), which have the highest status of protection in relation to landscape and scenic beauty.

23. Given the above context, support for windfall development within AONB should be discouraged. It is considered that Policy SP3 (5) can be made more robust and consistent with paragraph 115 and 116 of the NPPF, by being reworded to state:

“Windfall sites at Binbrook, Tetford and Partney will be refused for residential development given their location within the AONB, except in exceptional circumstances and where it can be demonstrated they are in the public interest. In line with paragraph 116 of the NPPF, any proposal for residential development at a windfall sites should include an assessment of:

- *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *any detrimental effects on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

24. This recommended change to will go some way in ensuring that Policy SP3 is justified and consistent with the NPPF.

Question 11: Is it intended that windfall development in the inland Towns and Large Villages will make any contribution to the anticipated housing supply in Table A of the CS (eg to the windfall allowance 15% of target of 1165)?

25. Table A at paragraph 20 of the Core Strategy Submission Draft clearly indicates that other source of housing (e.g. windfall development) that could come forward during the plan period have not been included in the housing supply target.

Question 12 to 16

26. No comments.

Question 17: Is ADM8 necessary for soundness? (reference to minimum allocations and not targets)

27. It is considered that the proposed modification to paragraph 21 of the Core Strategy Submission Draft is justified and effective in setting out that the overall housing target contained within Policy SP3 is interpreted as a minimum.

28. This ensures that the Core Strategy is consistent with paragraph 14 of the NPPF, which states the Local Plans should meet objectively assessed needs with sufficient flexibility to adapt to rapid change and paragraph 47 in that the target will ensure a significant boost to the supply of housing.

Question 18: Is ADM11 necessary for soundness? (reference to minimum inland target of 6460). [Note ADM11 shows some text as being changed, even though it is unaltered from the submitted plan]

29. It is considered that the proposed modification to paragraph 31 of the Core Strategy Submission Draft is justified and effective in setting out that the overall housing target contained within Policy SP3 is interpreted as a minimum.
30. This ensures that the Core Strategy is consistent with paragraph 14 of the NPPF, which states the Local Plans should meet objectively assessed needs with sufficient flexibility to adapt to rapid change and paragraph 47 in that the target will ensure a significant boost to the supply of housing.

Question 19: Is ADM5 necessary for soundness? (relating to the approach on allocating growth and large urban extensions)

31. It is considered that the way of apportioning growth across the inland Towns and Large Villages remains unjustified given that Holton le Clay and Woodhall Spa, both have larger allocations equal to 326 and 352 respectively, compared to the allocation of 161 homes at Alford.
32. The housing allocations to the two Large Villages is both contradictory with SP1 and inconsistent with the NPPF core planning principle to actively manage patterns of growth in locations which are sustainable. Furthermore, this approach to housing distribution does not meet the overriding aims of plan-making towards balancing housing growth relative to infrastructure and the size of settlements.
33. In all, the spatial distribution does not clearly state why the apportionment between 'Towns' and 'Large Villages' is as set out in Table B at paragraph 21. Further justification text is required in terms of why each settlement has been allocated their respective amount, particularly in respect to Alford.

Question 20: Is ADM13 necessary for soundness? (definition of a windfall site)

34. Yes, the definition of a windfall site is necessary for soundness; however the modification should be amended so that the definition reflects the definition provided in the NPPF, for example:

"A windfall site is any sites which have not been specifically identified as available in the Core Strategy and Settlement Proposals DPD. Such sites normally comprise previously-development sites have unexpectedly become available."

Question 21: In para 23, page 27 the CS states that the Council will ensure that there is an appropriate variety of house types and sizes on developments, with particular reference to strong support for smaller houses and housing for older people. Is this intended as a policy requirement and if so, should it be included within a policy? Is it justified? Is it sufficiently flexible? Is ADM10 necessary for soundness (deleting the word 'strong')?

35. Our client supports the Council's assurance at paragraph 23 that there will be an appropriate variety of house types and sizes on developments.
36. The removal of 'strong' support for the provision of smaller houses, including 1 bedroom units and extra care and single storey accommodation is welcomed given that the housing market is

dynamic and it is therefore, inappropriate to establish static targets or strong support for the mix of dwelling size and type that need to be provided.

37. It is considered that the 'market' (i.e. developers and land promoters) is a better judge of what is the most appropriate profile of homes to deliver. Housing mix is an important matter for developers and/or housebuilders and choosing the right types of dwellings in a location at specific time is integral to the delivery of viable development.

Question 22: Is the Council's proposed additional modification ADM15 regarding the definition of brownfield land necessary for soundness? What is the justification for seeking to include agricultural buildings within the definition of brownfield land (given that agricultural buildings are specifically excluded from the national definition of previously developed land in Annex 1 of the National Planning Policy Framework)?

38. No comment.

Question 23: In Policy SP3 3, is the phasing of development in line with infrastructure requirements for developments of over 30 homes justified? Is it clear what will be required to comply with this criterion? Is the intention that necessary infrastructure should be in place at an appropriate point? Should this be explained in the supporting text? Is ADM9 required for soundness (ie indicating phasing if required)?

39. No comment.

Question 24: The supporting text (para 36, page 29) states that the Council will monitor housing development by the imposition of planning conditions on outline approvals to ensure that reserved matters applications are submitted in a reasonable period of time (12 to 18 months according to the proposed additional modification – ADM14). Is this justified, reasonable and realistic, given the Town and Country Planning Act refers to 3 years? Is the ADM necessary for soundness?

40. Whilst the Planning Practice Guidance on 'Use of Planning Conditions' is noted, the proposed modification ADM14 is unjustified, unreasonable and unrealistic given that it does accord with the Clause 92 (2a) of Town and Country and Planning Act 1990, which sets out:

"(2) where outline planning permission is granted for development consisting in or including the carrying out of building or other operations, it shall be granted subject to conditions to the effect –

(a) that, in the case of any reserved matters, application for approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission; and"

41. The Council should note that there are different lead-in times for outline planning permissions, in that the relevant details relating to the appearance, means of access, landscaping, layout and scale need to be submitted and determined, as well as factoring in sufficient time to negotiate and agree S106 Agreements and discharge relevant pre-commencement conditions.
42. It should also be noted that many residential development sites are under the ownership of land developers or promoters who secure outline planning permission and then sell the site to an appropriate housebuilder. The process of negotiating, transferring and completing such a land deal with outline permission can be protracted, and therefore such restrictive period of time, should not be imposed through the Core Strategy.

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