

Matter 2, Issue 1

Matter 23, Issue 2

Participant 7075

Placemaking Plan Examination in Public

Further statements in advance of the hearings

Submitted on behalf of Whitecroft Developments Ltd.

August 16

**nash
partnership**

1. Introduction

- 1.1 Nash Partnership represents the owners of the land at Leacroft House, Bristol Road, West Harptree. Representations for this site were submitted to the council during their consultation on the draft placemaking plan (pre-submission version) on behalf of the previous owner, Austen Payne, by Peter Brett Associates. The site has since been sold to the current owner who is now progressing planning applications on the site in order to bring forward development.
- 1.2 This representation relates to Matter 2, Issue 1 and Matter 23, Issue 2. Comments are made where it is considered that the Plan is has not been positively prepared, is justified, is ineffective or is not consistent with national policy.

2. Response to Issues Identified by the Inspector

Matter 2 – Overall Approach

Issue 1: Whether the Changes to the CS are necessary and appropriate having regard to the policies contained in the Placemaking Plan and its purpose

a) Why is the change to Policy RA1 (a) Considered necessary?

- 2.1. The changes to policy RA1(a) effectively means that only villages with a school can qualify as RA1 villages. This has the effect of restricting the potential for new housing being brought forward in rural villages to a smaller number of settlements than was the case under the Core Strategy. It has not been set out explicitly in any supporting documentation as to why the change to policy RA1(a) is considered necessary. The sustainability appraisal report (December 2015) does however state:

‘The policy, by requiring a settlement to have a primary school with sufficient capacity (or ability to expand) will ensure the educational needs of the existing population and those arising from a residential development proposal in that settlement can be accommodated. This should result in a major positive impact on Objectives 1 (health and well-being) and 3 (stronger more vibrant and cohesive communities) and a minor positive impact on Objective 2 by helping ensure housing is accommodated in sustainable locations.

- 2.2. From this, and the changes to the wording of policy RA1(a) itself, we can assume that the council consider the changes necessary in order to restrict growth in primary school pupil numbers in rural villages without schools.
- 2.3. In effect the change to the policy represents retroactive planning based on school capacities rather than housing need as required by the NPPF. Housing need assessments and village capacity studies carried out as part of the Core Strategy defined policies RA1 and RA2 when that plan was adopted and found to be sound. These should be used to define expected delivery numbers in rural villages - as they were at the time of the Core Strategy – rather than school capacities.
- 2.4. We do not consider the change necessary as CIL and Section 106 contributions are available to the council, alongside planning conditions, as a means of mitigating the effects of development on primary schools in rural settlements. Indeed these methods are designed to serve this purpose. Planning in the retroactive way proposed under the Core Strategy changes should not be considered an effective route to securing stronger, more vibrant and cohesive communities. Restricting development without proper regard to objectively assessed housing need in this way

risks under delivery of housing. It also risks schools losing an important funding stream and preventing the needs of existing and future primary school pupils (and other groups whose needs are funded through Section 106 contributions, such as those in need of affordable housing) from being adequately met. By using CIL and Section 106 contributions effectively sustainable development in RA1 and RA2 villages can be secured. The changes are therefore not required in order to positively impact on objectives 1, 2 and 3 in the sustainability report accompanying the Placemaking Plan.

- 2.5. Policy LCR3 relates to the protection of Land Safeguarded for Primary School Use. If the council is concerned about the ability of primary schools in rural settlements to provide for an increase in population arising from adopted Core Strategy policies RA1 and RA2 the proper course of action is to amend this policy and their regulation 123 list rather than policies RA1 and RA2, which are adopted and have been found sound for the purposes of meeting local housing needs.
- 2.6. In light of this the changes to policy RA1(a) are considered unnecessary, and the Placemaking Plan therefore not justified.

b) What assessments have been carried out to establish whether the number of villages that would satisfy Policy RA1 would be reduced as a result of the suggested change and the likely reduction, if any, on the supply of housing?

- 2.7. We are not aware of any detailed assessments, and as noted above it appears as though the policy change has been applied as a means of restricting growth in the number of primary school pupils rather than properly as a means of meeting the housing needs of rural settlements.
- 2.8. Whilst it is not possible within this supplementary statement to identify how many villages would satisfy Policy RA1 following the proposed changes, West Harptree can be taken as one significant example where this is the case. During our work on the Leacroft site in here it has become apparent that this village would no longer meet the criteria. Under the currently adopted Core Strategy and due to the good level of facilities in the village, this settlement could sustainably see up to 50 dwellings delivered and meet the criteria of the policy. This was confirmed by the case officer at the time Outline permission was granted at Leacroft House in July 2015. Under the proposed changes to the definition of RA1 villages this number would be significantly reduced to around 10-15, which would have a substantial impact on the relative supply of housing here and increase the risk of the real housing need and capacity of the village not being met.
- 2.9. Despite the apparent reduction in the number of rural settlements now capable of having up to 50 dwellings delivered from what the Core Strategy allowed, the changed policy does not give a commensurate increase in the number of dwellings which could be delivered across the RA2 villages. The combined effects of this is very likely to result in a decline in the number of dwellings delivered in rural settlements overall and a higher risk of the housing needs in rural settlements not being met.

c) Does the change to the list of facilities required to meet criteria (a) of Policy RA1 when assessing which villages outside the Green Belt are appropriate for residential development present a material change in strategy from that contained in the adopted CS?

- 2.10. Due to the likely consequences in relative under delivery in housing in rural villages outlined above the changes to policy RA1(a) present a material change in strategy from that contained in the adopted Core Strategy. Specifically the changes run counter to the following strategies identified in Policy DW1 '*District-Wide Spatial Strategy*':

- *Making provision to accommodate an increase in the supply of housing by around 13,000 homes*
- *Ensuring infrastructure is aligned with new development*
- *There remains a flexible supply of deliverable and developable land*
- *The Core Strategy is planning for the most appropriate growth targets, particularly housing*

2.11. Changing the RA1 criteria so that only settlements with a school qualify creates some inconsistencies and unsustainable logic in the categorisation of settlements. For example, under the changed policy East Harptree may be considered an RA1 village and capable of having up to 50 dwellings delivered whereas West Harptree, with more facilities and greater level of public transport provision, would qualify as an RA2 village capable of having 10-15 dwellings delivered. This is not considered a sustainable means of planning and represents a material change from the Core Strategy which seeks to ensure infrastructure is aligned with new development and plans for the most appropriate housing growth targets.

d) *Is the change in approach justified and consistent with national policy?*

2.12. In retroactively planning based on school capacities rather than future housing need, the change in approach is not consistent with paragraph 14 of the NPPF which requires local planning authorities to positively seek opportunities to meet the objectively assessed needs of their area when plan making, as part of the presumption in favour of sustainable development.

2.13. Paragraph 14 of the NPPF also requires Local Plans to have sufficient flexibility to adapt to rapid change in housing need. As they stand in the adopted Core Strategy, policies RA1 and RA2 have been found sufficiently flexible to meet any increase in housing needs in rural areas. This is in part due to the range of facilities that villages can have to qualify as RA1 settlements and therefore absorb a larger amount of development. The narrowing of these facilities as proposed under the draft Placemaking Plan represents a narrowing in opportunity for rural housing to come forward and a significant decline in the Local Plan's flexibility. Housing delivery could be substantially lower if, for example, other RA1 villages suddenly lost any of their other facilities qualifying them as RA1 villages (for example their convenience shop and/or post office). In this regard the change in criteria proposed in policy RA1 is considered to represent enough of a decline in the plan's flexibility to be contrary to paragraph 14 of the NPPF.

2.14. The change in approach is also not consistent with paragraph 47 of the NPPF which states that *'To boost significantly the supply of housing, 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'*. The adopted Core Strategy policies RA1 and RA2 were found sound in part because they were based on a sound evidence base. In light of a lack of evidence base material accompanying the change to policy RA1 it cannot be considered consistent with this part of the NPPF.

2.15. The change in approach is also not consistent with paragraph 55 of the NPPF which states *'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby'*. By narrowing the qualifying criteria for RA1 villages, the revised policy offers comparatively limited options for development coming forward in one rural settlement in order to maintain the vitality of another. This is proven in the case of West Harptree, where the amount of development currently allowed for under policy RA1 potentially offers considerable support to the facilities of East Harptree - including its school - through section 106 and CIL contributions as well as to its

local services by introducing more potential custom. In this regard placing more limitations on housing delivery in rural settlements is considered contrary to the NPPF.

- 2.16. On the basis of the above the change in approach is not considered justified or consistent with national policy.

Matter 23 – Housing in the Rural Area

Issue 2 – Whether the site allocations are the most appropriate when considered against the reasonable alternatives, having regard to the evidence to support the selection of allocated sites?

Q2) Are the development requirements and design principles for the site allocations positively prepared, justified, effective and in accordance with national policy?

- 2.17. Whilst some of the general ambitions of the design principles set out in policy SR2 are acknowledged as positive, it is not the duty of the Placemaking Plan to anticipate design proposals or place unnecessarily restrictive requirements upon development proposals. Applications for detailed proposals on the 'Leaffield' (sp.) site should be determined on their own merits in accordance with adopted development management policies elsewhere in the Placemaking Plan and the relevant policy framework. As such all of the development requirements set out in the policy should be removed on account of being overly prescriptive, unjustified and repeating on other development management policies in the Placemaking Plan and NPPF.
- 2.18. The unjustified design principles include the requirement for the development to include 'up to 17 dwellings'. More flexibility should be allowed for in the policy wording, which should not put a cap on numbers. During our work we have demonstrated that the site can sustainably accommodate more development than this whilst remaining consistent with the adopted planning policy framework. Upper limits on numbers are adequately controlled through other policy mechanisms. The correct means of determining the upper limit is through the tests in the eventually adopted policy RA1/RA2, whose purpose is to guide – but not define or cap - the number of dwellings deliverable on sites, in the interests of arriving at an optimal number of units according to individual site constraints. From the starting point set by policy RA1 or RA2 (i.e. either 'around 50 dwellings' or '10-15 dwellings' respectively) the proper course of action for defining the number of dwellings is then through a detailed planning application procedure which identifies the site constraints and arrives at a figure based on other adopted development management policy.
- 2.19. The other development requirements in policy SR2 do not appear to have been based on a detailed site assessment, nor are they consistent with the conditions set out in the extant Outline permission already granted on the site. In particular the requirement for '*visual linkages from the development to the wider countryside*' is not justified anywhere and is ambiguous to the extent that it is not effective.
- 2.20. On the basis of the above it is considered that the design principles set out in policy SR2 are not justified in that they are not appropriate when considered against the reasonable alternative, which is to have the development principles defined through a detailed planning application and controlled through existing development control policies.

2.21. Errors and inaccuracies in the wording of policy SR2 have been highlighted in previous representations submitted for the site (including a misnomer in the site name itself) which have not been addressed in the council's Limited Changes document of March 2016.

3. Conclusions and Recommendations

3.1. In conclusion the Placemaking Plan is considered unsound because:

- The proposed changes to policy RA1 and RA2 are not justified because they are not the most suitable strategy when considered against the reasonable alternative. A more suitable reasonable alternative is to retain them in the form they are in the adopted Core Strategy which has already been found sound and explicitly defines housing targets in rural villages according to the Objectively Assessed Need.
- The proposed changes to policy RA1 and RA2 are not consistent with national policy because:
 - They narrow opportunity for rural housing to come forward relative to the Core Strategy, which is contrary to paragraph 14 of the NPPF requiring Local Plans to have sufficient flexibility to adapt to rapid change in housing need.
 - The failure of the new policies to relate to an explicitly identified evidence base is also contrary to paragraph 14 of the NPPF which requires local authorities to positively seek opportunities to meet the objectively assessed needs of their area when plan making, as part of the presumption in favour of sustainable development.
 - They are not drawn up in response to a demonstrated evidence base and therefore fail to ensure that the Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as required by NPPF paragraph 47.
 - In narrowing the qualifying criteria for RA1 villages, the revised policy offers limited options for development coming forward in one rural settlement in order to maintain the vitality of another. This is not consistent with paragraph 55 of the NPPF which states *'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby'*.
- The design principles set out in policy SR2 are not justified in that they are not appropriate when considered against the reasonable alternative, which is to have the development principles defined through a detailed planning application process and controlled through existing development control policies.

3.2. Following this the following modifications are considered necessary in order to make the plan sound:

- RA1 and RA2 should revert back to as they are in the adopted Core Strategy.
- All unnecessary design considerations attached to policy SR2 should be removed.

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