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**From:** Tom Roche  
**Sent:** 01 October 2015 16:37  
**To:** DPD  
**Subject:** North West Cullompton Draft Masterplanning SPD  
**Attachments:** 151001\_Mid Devon District Council\_ North West Cullompton Masterplan SPD\_Final.pdf; 150424\_Mid Devon District Council\_ Local Plan Review Proposed Submission Consultation.pdf; Growen Land.pdf

Please see attached representations on behalf of Growen Estates to the above document.

I would be grateful if you would kindly acknowledge receipt.

Many thanks.



Dr Thomas S Roche  
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Director

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Your Ref:

Our Ref: GROW0001

Date: 1 October 2015

North West Cullompton Masterplan Consultation  
Forward Planning  
Mid Devon District Council  
Phoenix House  
Tiverton  
EX16 6PP



Dear Sirs

#### **NORTH WEST CULLOMPTON MASTERPLAN CONSULTATION**

With reference to the above matter, I am writing on behalf of my clients, Growen Estates, to make brief comments on the draft SPD.

Whilst supporting the principle of the SPD to supplement the provisions of the adopted Development Plan policy framework for North West Cullompton, my clients have a number of concerns relating to the draft document that are summarised below.

#### **Contrary to the Development Plan**

As is inherent in its designation, SPD is intended to 'supplement' the provisions of the Development Plan. It cannot change them. The adopted Proposals Map is quite specific in allocating areas of (mixed use) development, which are included in the settlement limits, and areas of green infrastructure, which are excluded. The areas of green infrastructure designated on the Proposals Map and excluded from the settlement limits are supported by a detailed evidence base that seeks to retain the higher and more visually prominent land free from development. That is a fundamental part of the development and land allocation strategy that underpins the adopted planning policy framework. The designations on the Proposals Map therefore reflect sustainable development principles that have been subject to Examination and endorsement by an independent Inspector.

My clients are concerned that the draft SPD is contrary to the provisions of the adopted Development Plan since it includes development on land outside the settlement limits that is not allocated for development and is intended to be safeguarded for green infrastructure. The draft SPD would therefore appear not to be in accordance with the sustainable development principles underpinning the adopted policy framework for North West Cullompton. If so, it cannot legitimately be progressed to adoption as SPD

## Premature

It is acknowledged in the SPD that the Local Plan Review 2013-2033 is currently underway, and that the Proposed Submission document allocates a different site area. The proposals in the Submission Document involve an alternative approach to development that has yet to be subject to Examination. Whilst supporting an alternative approach to, and expansion of, the allocation at North-West Cullompton, my clients have made representations to the emerging proposals suggesting an alternative, more sustainable allocation of development land (see enclosed duly made objections by letter dated 24<sup>th</sup> April 2015).

It would appear that the emerging SPD is based on the emerging revisions to the Development Plan Proposals Map rather than the land allocations that form part of the adopted policy provisions. This explains the apparent departure from the provisions of the adopted Development Plan. The fact that the emerging Proposals Map has been changed to re-allocate development land and green infrastructure in the way that is reflected in the draft framework plan that forms part of the SPD, indicates that a change in the Proposals Map is required to effect the revised distribution and configuration of development. If this is so, then my clients are concerned that there is no locus for the SPD framework plan in the adopted Development Plan, and to which it is therefore contrary.

The preparation of the SPD could therefore be challenged as being premature pending the examination and adoption of the Local Plan Review, which would affect the weight that it can be given in any future decisions. If the SPD is to be based on the provisions of the emerging Local Plan Review, it would therefore seem to my clients that the alternative distribution of development, including the principle of developing the higher land excluded from the settlement limits and allocated as green infrastructure in the adopted Plan, should first be tested through the Local Plan Examination. As my clients have commended to you through the representations that they have made to the Local Plan Review, a greater focus of development on lower land in closer proximity to the proposed local centre and having greater accessibility to the town centre, would be more sustainable.

It is appreciated that the emerging SPD attempts to incorporate flexibility to respond to the emerging Development Review through the inclusion of an 'Option B' framework that reflects the allocation in the review Local Plan. However, and notwithstanding the statement to the contrary, the inclusion of the alternative option would seem to have the effect of prejudging the outcome of the Local Plan review process. As the enclosed representations confirm, my clients have duly made representations to the Local Plan Review Proposed Submission Document advocating a more extensive new allocation on the Growen land to the north and east of the additional housing land proposed in the south-western part of the development area. This is considered to be a more sustainable alternative to additional allocations in locations in the northern part of the development area, which is more remote from the town and its facilities, and in the central core encroaching up the slope towards Rull Hill and St Georges Hill into land that in the adopted Local Plan is outside the settlement limits and restricted to green infrastructure. With regard to the latter, the 'Option B' framework is misleading about the extent of new residential allocations (shaded blue) since it ought to include the extensive areas of land in the central core to the development area that on the adopted Proposals Map are outside the settlement limits and allocated for green infrastructure.

It is my clients' view that the evidence base supporting the adopted Local Plan augers in favour of the revised allocation strategy advocated by Growen Estates, particularly that endorsing retention of the higher land for green infrastructure. Since the Growen land is both lower lying and will have better accessibility to the proposed local centre as well as existing facilities within the town, and is better integrated with the existing settlement form overall, there would seem to be a strong case for focusing any increased allocation away from the higher land which is to form an essential green heart to the development, and accommodating it on lower lying land to the south-west in the vicinity of Growen Farm. Until you have completed your consideration of this suggestion, and the matter has been subject to independent examination, it would seem difficult to progress the SPD at this stage with any degree of certainty, or to give it weight in any decisions, until the conclusion of the Local Plan Review which could have significant implications for its content.

The visual impact of development at a high levels on the steep slopes of Rull Hill and St George's View would appear to be inconsistent with existing development within Cullompton, to which there has been significant objection from the community. The Growen land has no visual impact concerns, and from the Willand Road this development would sit directly behind the new elevated Link Road and Local Centre development. Moreover, all of the Growen land is within 200-400 metres walking distance from the proposed local facilities.

Notwithstanding the comments outlined above, if the SPD is to be progressed at this stage in advance of the Examination of the Local Plan Review based on a potential future allocation in that document, then it should include the entirety of the Growen land as identified on the enclosed plan which formed part of my clients' representations to the Local Plan Review. This is based on sound sustainable development principles and land availability considerations which are substantiated in the attached representations to the Local Plan Review Submission Document. This land is to be preferred to both that shaded in blue on the 'Option B' Framework Plan to the north west of the existing Local Plan allocation, and the land that is currently allocated for development in the Framework Plan at page 43 of the SPD that is currently outside the settlement limits in the Adopted Local Plan and forms part of the Green Infrastructure designation.

## **Conclusion**

The quality and sustainability of the masterplan development for the North West Cullompton urban extension should not be affected by development above an unacceptable contour that has significant visual impact on a landscape feature that is valued by the Cullompton community, when lower land in closer proximity to the proposed Local Centre can be delivered. That would appear to be the consequence of proceeding with the SPD in its current form. Moreover, in its current form the SPD is not supplemental to the adopted Development Plan, and may not reflect the provisions of the emerging plan once examined and adopted. This will affect its utility in any future decisions that it is intended to inform and guide.

I trust that you will give careful consideration to these submissions. I would be grateful if you would keep me informed on progress with the SPD. We would be happy to discuss any matters arising from these submissions with you. I would be grateful if you would kindly acknowledge receipt of them.



Yours faithfully

**Dr Thomas S Roche**  
BA (Hons) PhD BTP (Dist) MRTPI  
**Director**

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Your Ref:

Our Ref: GROW0001

Date: 24 April 2015

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



Dear Sirs

## **LOCAL PLAN REVIEW PROPOSED SUBMISSION CONSULTATION (FEBRUARY 2015)**

With reference to the above matter, we are writing on behalf of our client, Growen Estates, who have a land interest in the North West Cullompton Urban Extension.

### **Cullompton North West Urban Extension: Policies CU1-CU6**

Our client strongly supports the retention of the above allocation from the adopted Allocations and Infrastructure DPD, and its enlargement to incorporate 1,200 dwellings. In view of the time that has now elapsed since the adoption of the Core Strategy in 2007, the subsequent publication of the NPPF with its objective to 'boost significantly' the supply of housing (para. 47), and the recent publication of an updated SHMAA that post-dates the Submission Draft Plan, the quantum of 1,200 dwellings must be construed as a minimum.

The emerging policy (CU1) requires comprehensive masterplanning of the development, to include two stages of public consultation and adoption as a SPD. Through this process, the detailed distribution of land-uses across the mixed use allocation will be determined, informed by the detailed evidence base and site assessments that will form part of that masterplanning process. It is therefore premature to seek to identify on the Publication Stage Policies Map a distribution of the provisions for development and associated green infrastructure. The arrangement currently shown is sub-optimal in terms of land that is identified for development and that which is set aside for green infrastructure. It is not the most sustainable arrangement in land-use terms, and departs, without justification, from the provisions of the adopted policy. As currently shown, the plan is unsound since the provisions of a key policy are neither 'justified', nor are they likely to be 'effective', as required in accordance with the provisions of the NPPF (para. 182).

Therefore, whilst strongly supporting the proposals for an urban extension to the north-west of Cullompton as set out in Policies CU1-CU6, our client objects to their current configuration on the accompanying Proposals Map. We set out below our client's particular concerns relating to the provisions of the plan in its current form.

### **Objections to Current Site Configuration**

There is an ongoing Masterplanning process associated with the Cullompton North West Urban Extension area, and a detailed evidence base is being compiled in association with that relating to the area as currently allocated and other land in the vicinity. The evidence emerging from that process has indicated that the allocation as currently configured in emerging Policy CU1 and associated Proposals Map is sub-optimal, and indeed, is unlikely to deliver the requirements of the policy. The current allocation includes land that is not available for development, land within floodplain, areas that are too steep for residential development, and land that is required for other uses (such as School development). It is also sub-optimal to the extent that it fails to afford priority to development of land that is of gentle topography with minimal visual impact over that which is more sensitive owing to its slope and prominence. Between 4-5 hectares is considered to be unsuitable and/or unavailable for development, in addition to which, the apportionment between development land and that identified for green infrastructure is sub-optimal and unsupported by the emerging evidence base.

Our client's land (hereinafter referred to as the 'Growen land'), is identified on the enclosed plan, and exemplifies the deficiencies in the current site configuration. Whilst part of the Growen land is allocated for development, more than half of it is identified for green infrastructure, with a small portion outside the allocation altogether. The use of the majority of the Growen land for green infrastructure would be inappropriate given that it is one of the most sustainable parts of the urban extension area for reasons that are summarised below.

#### *Visual / Recreational Amenities*

The Growen land is comparatively level and low-lying. Its visual impact is therefore minimal compared with other parts of the urban extension area. It is germane that the green infrastructure strategy in the adopted DPD was to maintain an extensive area of green infrastructure on the hill-top and surrounding sloping land to the north-east of the Growen land. However, in the revised allocation now proposed the green infrastructure is reduced and focuses more on the hill-top, with development now proposed on the rising land surrounding it. A more appropriate development strategy would be to retain a significant area of green infrastructure in a location that is central within the development area and therefore maximises accessibility to it for both the existing and future populations, and locates development on the less sloping sites, such as the Growen land to the west of the existing proposed green infrastructure. Since development on the Growen land would wrap around the south-western side of the area of green infrastructure as proposed in the adopted Plan, it would be very accessible to the future community, and would retain a green core to the urban extension area whilst providing access to the countryside beyond. It would more accessible to the existing community, and provide a more extensive, coherent and utilisable area of open space for both formal and informal recreational uses. It would therefore enhance the community benefits of the green

infrastructure that would be delivered as part of the overall development, and the visual amenities would be enhanced by both avoiding development on rising land, and the outlook from the open space that would be afforded from its slopes.

### *Locational Sustainability*

A local centre to serve the Masterplan area is proposed on land immediately adjacent to, and to the south-east of, the Growen land in a location that is strategically positioned within the masterplan area to serve both the mixed use allocation at North-West Cullompton and the residential allocations to the south west at Knowle Lane (Policy CU13) and Ware Park/Footlands (Policy CU14). If the local centre is so located as suggested in previous plans and by the promoters, then all of the Growen land within the red line area shown on the enclosed plan will be within 400 metres of it. This will not be the case for other land within the urban extension area. The Growen land is therefore one of the most accessible sites within the masterplan area to the proposed local centre and to maximise trips by non-car modes. As currently proposed, the green infrastructure provisions of the emerging Local Plan would preclude both the local centre in the optimal, and indeed most viable, location for it to serve the existing and future communities on the west side of Cullompton, and the location of development in the most proximal positions in relation to it.

In addition to proximity to the proposed local centre, Cullompton town centre is to the south-east of the proposed North-West Urban Extension. Development in the southern part of the allocation area is more accessible to the town centre than development to the north, which is remote from it. Therefore, in order to reduce travel demands and avoid exacerbating existing town centre congestion, development on suitable land in the south of the urban extension area should be maximised since it has the greatest potential to promote sustainable modes of travel. Development on the Growen land would be far more accessible to the town centre than development on allocated land in the north of the urban extension area.

### **Summary of Benefits of Allocating the Growen Land**

In summary, the entirety of the Growen land should be allocated for development, and the provisions for green infrastructure accommodated elsewhere, for the following principal reasons:

- There is a need allocate more land for housing in view of the constraints affecting some parts of the allocation as identified on the Local Plan Submission Proposals Map. The housing requirement in the Local Plan is a minimum requirement, is likely to increase in the light of the new SHMAA, and the NPPF requirement to 'boost significantly' housing land supply necessitates a flexible land supply with contingencies incorporated in land allocations.
- Development on the Growen land would have a low visual impact. In contrast, development on part of the green infrastructure provisions in the adopted Plan would have a much greater visual impact.
- The Growen site is level and well-drained. There are therefore no physical constraints on its development, the site is deliverable, and the landowner is willing to release it for the purposes of development.



- Development of the Growen land would ensure a coherent and compact development area, that would support and consolidate the proposed location of the local centre at the heart of the Masterplan area and integral to the residential communities that it is intended to serve.
- The Growen land has good accessibility to Cullompton town centre, and is therefore better placed to minimise travel demands and town centre congestion than land in the north of the urban extension area, which is remote from the town centre.
- Allocation of the Growen land in lieu of the development proposed on part of the green infrastructure provisions identified on the adopted Proposals Map in a central location within the urban extension area, would result in greater community benefits from the use of a greater concentration of higher amenity land for open space purposes.

### The Changes Sought

For the foregoing reasons it is concluded that the Submission Plan is unsound in that:

- It is not **positively prepared** since it is not based on a strategy which seeks to 'meet' objectively assessed needs in a way which is consistent with achieving sustainable development;
- It is not sufficiently **justified** in that it cannot be demonstrated that the land allocation strategy is the most appropriate, when considered against reasonable alternatives, based on proportionate evidence; and
- It is not **effective** in that there are uncertainties pertaining to the delivery of the proposed provisions for the Cullompton North West Urban Extension over the plan period.

As such the Plan is unsound.

The following changes are required to make the Plan sound:

- Re-configuration of the proposals for the Cullompton North-West Urban Extension to include allocation of alternative and/or additional land (Policies CU1-CU6 and Proposals Map) for development purposes. This should include expansion of the North West Urban Extension Area to include the Growen land (as identified on the enclosed plan) in its entirety, and identification of the entirety of the Growen land for development purposes in view of its locational and environmental sustainability and deliverability for development purposes, and reassignment of the proposed green infrastructure to an alternative location(s) where it has the potential to deliver greater community benefits in terms of both its amenity as open space and protecting existing environmental amenities;
- In the alternative, remove the proposed land-use distribution for the proposed North-West Urban Extension from the Proposals Map for it to be determined through the Masterplan process supported by appropriate and proportionate evidence.



We hope that these comments are of assistance to you in preparing a sound plan for submission to the Secretary of State. We would be grateful if you would acknowledge receipt of these representations, and keep us informed of progress on the Plan.

We would be happy to discuss these representations with you if it would be of assistance. Please do not hesitate to contact us should you consider that a meeting would be of assistance.

Yours faithfully

**Dr Thomas S Roche**  
**Director**

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