

## Mid Devon District Local Plan Review 2013 – 2033 Examination

### Preliminary Hearing Sessions 1 and 2

#### Policies J27, SP2 and TIV16 – Submission for Gleeson Developments Ltd. (6685)

15<sup>th</sup> August 2017

---

### Introduction

1. This submission by Chilmark Consulting Ltd. (CCL) is made for and on behalf of Gleeson Developments Ltd. ('Gleeson') (representor **6685**) concerning the Preliminary Hearing sessions 1 and 2 covering policies J27, SP2 and TIV16.
2. The submission is made with respect to the Examination in Public (EiP) *Inspector's Matters and Issues* (MI's) (**ID02**) of 26<sup>th</sup> June and supplements the representations lodged with Mid Devon District Council (MDDC) on the *Mid Devon District Local Plan Review: Proposed Submission* Document (January 2017). The responses should be read together.
3. Submissions will be made separately on behalf of Gleeson with respect to other Local Plan Review examination matters in due course.
4. Gleeson's response to the individual J27, SP2 and TIV16 matters and issues are set out in the following sections.

### Policy J27

1. ***Is the evidence base sufficiently robust to demonstrate a need for the scale of the tourist attraction proposed?***
2. ***Has a regional need for the retail element and the comparison goods floor-space in particular, been demonstrated?***
3. ***Has the 'sequential test' been approached with sufficient rigour?***
4. ***Has the analysis of the potential impacts of the retail element (2 and 3 above) of the proposal properly fulfilled the duty to co-operate?***

5. ***Is there a 'clear synergy' between the Outlet Shopping Village (OSV) proposal and the tourism and leisure elements of the proposed allocation?***
  6. ***If there is a need for the scale of tourist and leisure elements proposed, why is the OSV necessary?***
  7. ***If the OSV is necessary to enable or make viable the tourist and leisure elements of the proposal, where is the evidence that an OSV (or retail allocation) of the scale proposed, with its attendant effects, is necessary?***
  8. ***Can existing town centre uses be properly protected through 'planning controls'?***
  9. ***Is the approach to the SAC sufficient and linked to that, what account is taken of the Priority Habitats that form part of the proposed allocation?***
  10. ***Does the evidence base lead to a conclusion that the impact on M5 Junction 27 can be properly managed?***
  11. ***Does provision need to be made for compensatory flood plain?***
5. Gleeson have no comments to make with respect to the Inspector's Matters and Issues for policy J27.

## **Policy SP2**

12. ***If a site in Sampford Peverell is necessary to cater for additional housing need resulting from the Policy J27 allocation, is this site the best performing?***
13. ***Does the proposed allocation have sufficient regard to the historic environment?***
14. ***Does the proposed allocation have sufficient regard to the character and appearance of the area?***
15. ***Is the proposed allocation properly accessible, for pedestrians in particular?***
16. ***Is the tie to Policy J27 strong enough?***

### **Is the Site the Best Performing for Additional Housing?**

6. Policy SP2 and Table 22 (Housing Allocations in Rural Areas) proposes the allocation of a new site of 6 hectares (gross) for residential development of 60 dwellings at Higher Town, Sampford Peverell. The Policy SP2 proposed

allocation has been added to the Local Plan at a late stage in its preparation by way of a major modification at the Submission stage.

7. The Policy anticipates that a low density residential development is to come forward following the commencement of development of the Policy J27 M5 allocation.
8. The Local Plan housing trajectory schedule set out in Table 6: Housing Forecast 2013 – 2033 indicates that development would occur from 2022/23 – 2024/25 in the mid-term plan period.
9. Reasoned justification at paragraph 3.224a notes that the SP2 site is at the edge of Sampford Peverell and outside the built-up area of the village. The Plan considers that development of the higher ground should be for green infrastructure and use careful landscaping and a low density of residential development. Paragraph 3.224c advises that development should only occur once improvements to the A361 junction at Sampford Peverell have been implemented. The paragraph also concludes that the site is required to meet additional housing need arising from the allocation of the Policy J27 site on the M5 motorway and that SP2 should only come forward following commencement of development on that site.
10. Sampford Peverell is a rural settlement designated as a 'Village' in Policy S13 (Villages). Policy S13 highlights that in Village locations, development:  
  
*"will be limited to proposals within their defined settlement limits and to allocations for:*
  - a) *Small scale housing, employment, tourism and leisure;*
  - b) *Services and facilities serving the locality; and*
  - c) *Other limited development which enhances community vitality or meets a local social or economic need"*.
11. The Policy SP2 allocation includes a proposed extension to the existing settlement limit of Sampford Peverell in order to accommodate the site.

12. It is Gleeson's view that the scale and nature of the proposed development of SP2 does not accord with the intention of Policy S13. 60 dwellings proposed at SP2 is not a small-scale housing development; it represents a significant new greenfield extension to the Village at its western edge in a sensitive landscape and location of heritage importance and is of a far larger-scale than the other proposed residential allocation (SP1 – Former Tiverton Parkway Hotel, 10 dwellings) requiring highway infrastructure improvements to enable its delivery. Simply put, Gleeson considers that the scale of SP2 would be detrimental to the character of the Village and undermines the Local Plan's wider spatial strategy to focus larger residential development in and adjacent to higher order centres that are inherently more sustainable.
13. In this case, there is no indication that appropriate level of technical assessment work has been undertaken to ascertain whether SP2 is a sustainable site either in the context of Sampford Peverell village or more widely in the context of the Local Plan as a whole.
14. The *Sustainability Appraisal Update* (January 2017) (**SD03**) has appraised the SP2 site against the Sustainability Appraisal objectives in Annex 3 (page 311 et seq.), but it is notable that there is no comparative assessment of this site in relation to other alternatives in the context of the proposed J27 development. The decision of the full Council meeting on 22<sup>nd</sup> September 2016 is taken as a conclusive direction that SP2 should be allocated to support J27. The *Sustainability Appraisal Update* does not therefore assess alternative choices to SP2 in relation to J27.
15. In the previous *Sustainability Appraisal* (February 2015) (**SD04**) the SP2 site was considered as an alternative option. At paragraphs 4.136 and 4.137, alternative options for Sampford Peverell were summarised with the conclusion that site SP1 (former Tiverton Parkway Hotel should be allocated for 10 dwellings). In paragraph 4.137 Higher Town (as SP2 was known) was identified as an:

*"elevated [site] with the potential for greater landscape or visual impacts"*.
16. The assessment also concluded at 4.137 that all the alternative sites within the village would involve the loss of greenfield land which is either Grade 2 or 3. Higher Town is noted elsewhere in the Sustainability Appraisal (see Appendix Part

2, page 529) (**SD04c**) as Grade 2, forming 6 Ha of best and most versatile agricultural land where the NPPF seeks to avoid development (NPPF paragraph 112).

17. A more detailed assessment of the site was presented in Appendix 2 at paragraphs 5.27 onwards, which scores the Higher Town site, concluding at page 530:

*“The cumulative impacts of the development of this site has the potential to impact upon traffic, put pressure on services and facilities and the current provision of infrastructure. Development of this site in combination with other development in the local area could cumulatively lead to over capacity issues in the local schools”.*

18. The assessment also concludes that there is no impact arising from the site in terms of Sustainability Objective E (promoting economic growth and employment) and the site is scored neutrally in this respect. This is of significant concern if the reason for allocating SP2 is to facilitate and link the site with new job growth at the J27 development. Indeed, the *Sustainability Appraisal Update* (January 2017) also draws no positive link or benefit between SP2 and J27 in relation to Sustainability Appraisal Objective E.
19. Overall, neither the Plan nor the Sustainability Appraisal (or its Update) produce evidence as to why SP2 is the most appropriate site choice for additional residential development.
20. From the *Sustainability Appraisal*, it is clear that all the proposed Sampford Peverell sites would result in landscape and character impacts and result in adverse effects on highways and community infrastructure. That is why, the earlier versions of the Local Plan chose to allocate on SP1 for ten dwellings which is a scale of development concomitant with the nature, character and role/function of Sampford Peverell as a designated Village under Policy S13.

### **Deliverability/Viability of SP2**

21. There is no evidence presented as to whether appropriate highways, social or community infrastructure can be delivered (or contributions secured, including

30% affordable housing) viably for the SP2 site to enable it to come forward in the period identified in the Plan's housing trajectory.

22. With respect to highway infrastructure, it is noted that the Highway Authority consider that SP2 should only be developed once A361 improvements (the creation of west facing slip roads to enable direct access to and from the west) have been implemented). There is no evidence within the Plan that these highway improvements are viable with the scale of development proposed at SP2 and in conjunction with other necessary affordable housing (30% contribution sought) and community, green and social infrastructure contributions.

### Is the Tie to Policy J27 Strong Enough?

23. Gleeson are concerned that the SP2 allocation is not justified within the Plan in relation to the proposed Policy J27 development.
24. Gleeson understands that new employment opportunities created by the J27 development would in turn lead to the need for additional housing to ensure a balance between homes and jobs is made during the Plan period.
25. There is however, no evidence set out within the Local Plan Review or its published evidence base as to why SP2 should especially be developed for housing arising from Policy J27 development or why there is a direct link between the two sites (other than that Sampford Peverell happens to be relatively near to J27).
26. The assessment of the SP2 site in relation to J27 is within a report by the Head of Planning and Regeneration to the District Council's Cabinet meeting in September 2016 that work was undertaken by consultants Edge Analytics for the Council (**SSE13** and **SSE14** March 2015 and August 2016 respectively) to assess the likely increase in housing required to accommodate additional job growth resulting from J27 development. The conclusion by Edge Analytics set out in **SSE14** was a total of 260 dwellings (13 dpa) over the plan period.
27. The same Cabinet report also summarised alternative locations for additional housing (paragraph 5.8 onwards – Higher Town is considered briefly at paragraph 5.18) resulting in a recommendation for Higher Town, Sampford Peverell to be

allocated for 60 dwellings (with the other 200 on Land at Blundell's School, Tiverton). It is noted that the assessment was undertaken by the Council's Planning Policy Advisory Group and appears to be a short, non-exhaustive consideration of additional sites based on whether they had previously been considered in the Local Plan Review Options consultation (January 2014) or subject to a Local Plan representation or considered in the SHLAA. Proximity to J27 was also reported as a factor.

28. Minutes of an Extraordinary Meeting of the Council held at 6pm, 22<sup>nd</sup> September 2016 include some further information with reference to a presentation by the Head of Planning and Regeneration to the Councillors that was recorded as:

*“There was a need to consider sites that had a geographical relationship with J27. Because the main focus of growth within the Local Plan review would be directed to Cullompton and additional infrastructure improvements would be required before this land could come forward, the housing allocation in question at Cullompton would not be added to, Crediton and the western villages had been discounted due to distance, Hartnoll Farm on the outskirts of Tiverton had also been discounted because of its size, land at Hemyock had already been granted planning permission for 22 dwellings, land at Kentisbeare had received objections from the Parish Council and additional development in Willand had raised highway concerns. Therefore the land at Blundells Road, Tiverton and Higher Town, Sampford Peverell had been supported by the Cabinet. The site at Sampford Peverell would be for 60 dwellings allowing for part of the land to be used to mitigate against the access and landscaping issues”.*

29. There is therefore little firm evidence or assessment within the Local Plan linking SP2 with J27. Gleeson accept that the Edge Analytics work (**SSE13** and **SSE14**) modelled the potential increase in housing requirement arising from the development of J27, but there is not a comprehensive or complete analysis of the alternative potential sites, or locations to accommodate such growth.
30. It is of concern to Gleeson that the main credential supporting the allocation of SP2 appears to be its proximity to J27. There are few other positive sustainability

benefits arising from the SP2 allocation to justify its inclusion in the Plan. Indeed, the *Sustainability Appraisal Update* (January 2017) concludes that SP2 will help meet housing needs associated with J27 (the previous version of the SA simply noted the site would support housing growth in the District) but there is not a more detailed analysis of why this site has clear positive benefits that outweigh the likely adverse effects on the landscape character, heritage or scale/form of Sampford Peverell and its surroundings. Indeed, as previously noted, the Sustainability Appraisal did not identify any economic or employment benefit arising from the development of SP2 either in isolation or linked to the J27 development. The Sustainability Appraisal drew the same neutral analysis and conclusions on the site prior to, and after, the decision by the Council to include significant development of J27 in the Proposed Submission Local Plan.

31. The link to Policy J27 appears therefore to be made only with respect to the Policy SP2 wording stating that the development cannot come forward until J27 is started. Gleeson therefore assume that if J27 were not commenced SP2 would not be developed. If this is the case, then the Plan needs to explicitly state this in the policy.
32. Gleeson conclude that the allocation of Policy SP2 to support Policy J27 is not justified by the text in the Plan nor the published evidence base.
33. Opportunities for enhanced residential development yields from other proposed allocations, including Gleeson's proposed development at Creedy Bridge (Pedlerspool) (Policy CRE5) should have been considered and subject to an explicit analysis prepared and published as part of the Local Plan Review evidence base.
34. Other proposed allocations have sustainability advantages including:
  - retaining the overall spatial development structure and distribution of housing growth in the District;
  - the availability (or potential to create) community, social and green infrastructure;
  - avoiding the need to identify and allocate further new sites for residential development in the District.



35. The allocation of SP2 would involve the loss of greenfield land of a high agricultural grade in an area where landscape topography is sensitive to new built-development and where the character of a small village would be irrevocably and adversely affected.
36. It is Gleeson's conclusion that Policy SP2 is:
- **not justified** as the evidence to support the allocation is not set out either in the Local Plan or its submitted evidence base in a comprehensive and complete form; it is deficient in showing why additional housing is needed in Sampford Peverell and why, in particular SP2 should be the appropriate location. The justification of the link between Policy J27 and SP2 is not completely made and fails to show how this proposed site allocation is wholly necessary in order to support J27 (assuming also that J27 is itself a sound and effective Plan allocation);
  - **not effective** as the proposed allocation of SP2 fails to recognise that there are other more sustainable and appropriate sites for new housing (including making greater use of other proposed allocations) in the District that retain the spatial structure of development overall.

## Policy TIV16

***17. If a site in Tiverton is necessary to cater for additional housing need resulting from the Policy J27 allocation, is this site the best performing?***

***18. Is the site deliverable?***

***19. Is the approach to the compensatory flood plain adequate?***

***20. Is there sufficient appreciation of the historic environment (the setting of Knightshayes in particular)?***

***21. Does provision have to be made within the policy to tie it to Policy J27?***

37. Policy TIV16 (Blundell's School) is a 14 Ha part brown and greenfield site north of Blundell's School proposed for allocation of 200 new dwellings with development scheduled to commence in 2018/19 and run through to 2023/24 according to the Local Plan at Table 6 (page 25).

38. It is understood, although not stated in the Local Plan Review that TIV16 is considered necessary for allocation to support the proposed Policy J27 development forming a site (together with SP2 at Sampford Peverell) capable of delivering a total of 260 new dwellings.
39. The Local Plan Review does not make an explicit link between J27 and TIV16 but the Council Cabinet Report of September 2016 and the Full Council meeting notes of 22<sup>nd</sup> September 2016 (referred to previously above) indicate that TIV16's allocation forms part of the supply response to meeting additional housing requirements generated by J27.
40. Gleeson's concerns with respect to Policy TIV16 (Blundell's School) are therefore similar to those already expressed with regard to Policy SP2.
41. In particular Gleeson are significantly concerned that the proposed allocation of TIV16, late in the plan-preparation process, is not justified or effective in the context of the overall spatial strategy for the District or in relation to the additional housing growth requirements arising from the Policy J27 development allocation.
42. Indeed, the TIV16 site was previously allocated in the adopted *Local Plan First Alteration* (2006) as TIV1 and then in the *Allocations and Infrastructure Development Plan* as AL/TIV/9 (**LDO02**) but new development had not proceeded in that plan period and it was proposed for deletion in the Local Plan Review process.
43. The Council Cabinet Report considered the site at paragraph 5.16 and at 5.23 recommended that it (together with Higher Town, Sampford Peverell) should be allocated.
44. There is not however a detailed or comprehensive comparative analysis of how or why this proposed site is more sustainable, suitable or deliverable than other identified alternatives, including increasing the yield on other allocated sites, in order to support the J27 proposals. In the TIV16 case it is also unclear as to whether this site might actually be delivered given its long history as an allocated residential site in previous plan periods. It is understood that the landowner has indicated that the site is available, but there is a lengthy history which indicates that, even with a positive allocation, there has been no development forthcoming

and this casts doubt as to whether the housing delivery anticipated for the site could actually be delivered.

45. Similar to the Policy SP2 position, the TIV16 site has not been subject to detailed deliverability or viability testing in the plan preparation process, although there is evidence of initial work on matters such as access and flood risk.
46. Opportunities for enhanced residential development yields from other proposed allocations, including Gleeson's proposed development at Creedy Bridge (Pedlerspool) (Policy CRE5) should have been considered and subject to an explicit analysis prepared and published as part of the Local Plan Review evidence base.
47. It is Gleeson's conclusion that Policy TIV16 is:
  - **not justified** as the evidence to support the allocation is not set out either in the Local Plan or its submitted evidence base in a comprehensive and complete form; it is deficient in showing why additional housing is needed in this location and why, in particular TIV16 should be the appropriate location. The justification of the link between Policy J27 and TIV16 is not made in the Plan (or the evidence base) and it fails to show how this proposed site allocation is wholly necessary in order to support J27;
  - **not effective** as the proposed allocation of TIV16 fails to recognise that there are other more sustainable and appropriate sites for new housing (including making greater use of other proposed allocations) in the District that retain the spatial structure of development overall.