

## **DERBYSHIRE DALES LOCAL PLAN EXAMINATION**

### **INSPECTOR'S PRELIMINARY QUESTIONS, CLARIFICATION AND COMMENTS RELATING TO SOUNDNESS (Healthy and Sustainable Communities – Chapter 6)**

#### **Introduction**

1. The purpose of this note is to seek clarification from the Council on a number of matters relating to Chapter 6 of the Local Plan. These matters have emerged from my preparation so far, including assessing representations. I will have further questions during the preparation period.

#### **Policy HC1**

2. Paragraph 6.1 – there is only one 'Local Service Centre', Darley Dale.
3. The 3<sup>rd</sup> bullet point of the policy could usefully cross reference with Policy S3.
4. The policy indicates that the 5 year housing supply will be monitored and that, if necessary, the Council will review the Local Plan to bring forward additional sites. However, consideration should be given to what mechanisms will be used to address any lack of a 5 year supply in the short term and, if review of the Plan is needed, what would trigger this. For example should there be a criterion which would support non-allocated sites on the edge of sustainable settlements in the circumstances where there is no 5 year supply but there would be no material conflict with other policies of the plan (see earlier comments on Policy S5), pending a Local Plan review bringing forward additional allocated sites? The policy will be discussed at the hearings.

#### **Policy HC2**

5. The policy could usefully reference the policies map. The density of development to be achieved on many sites appears low. Are the densities 'appropriate' having regard to Policy S2? How have the densities been arrived at (the SHLAA?) and would it be appropriate to increase the number of dwellings on any sites such that the contributions of allocations towards the housing requirement would increase?
6. Some of the sites are commitments e.g. HC2(g) and HC2(m). Is the Council satisfied that there is no double-counting taking into account the figures in Table 3 on page 42? Cawdor Quarry which is allocated as a strategic site through Policy DS9 does not appear in the list of allocations in Policy HC2 whereas other mixed use strategic allocations are included. Is this because it is a commitment? The policy and specific allocations will be discussed at the hearings.

#### **Policy HC3**

7. Does 'encouragement' provide sufficient certainty that self-build housing will be delivered? On the basis that the register will indicate where need has been demonstrated then developers should be 'expected' to make provision. In addition it is for the Council to have regard to viability considerations and site specific circumstances based on information provided by developers rather than

the developers.

8. Is there any policy requirement relating to supporting small and medium sized builders?

#### **Policy HC4**

9. Paragraph 6.6 refers to 'low cost sale' as one of the options to meet the 20% need for equity-based housing. However, the glossary definition of affordable housing taken from the Framework excludes 'low cost market' housing. Are the two different forms of housing and if so the differences should be explained? It is assumed that 'low cost for sale' would meet the eligibility criteria based on local incomes and house prices.
10. In the 2<sup>nd</sup> paragraph is the inclusion of 'net' necessary? To be consistent with paragraph 6.6 the 3<sup>rd</sup> paragraph should refer to 'social and affordable rented accommodation'.
11. The policy does not require that affordable housing is designed as an integral part of the development so as to create mixed and balanced communities. This issue should be considered.
12. Policy HC4, the 30% requirement and the 80/20% split between rented and intermediate housing will be discussed at the hearings.

#### **Policy HC5**

13. Paragraph 6.11 indicates that affordable housing built under the policy will remain affordable in perpetuity. However, criterion f) relating to starter homes is excluded from this requirement and therefore there appears to be inconsistency between the explanation and policy. I assume the explanation is that starter homes do not fall within the definition of affordable housing. This should be made clear.
14. The phrase 'locality' in criterion a) is somewhat vague. Would 'settlement' be a better term?
15. Criterion d) requiring that the site is accessible to a range of local facilities and services is onerous in the context of the statement in paragraph 4.15 of the Plan.

#### **Policy HC6**

16. It is assumed that the need is for 9 gypsy and traveller pitches and not a mix of pitches and travelling showpeople plots based on the GTAA? The policy itself should refer to the total pitch target of 9 pitches for the Plan period.
17. It would appear that the 0.3 ha site at Watery Lane, Ashbourne meets the requirement for 6 pitches in the period 2014-19.
18. The Plan does not provide allocations to meet the need for the total number of pitches for the Plan period. This means the approach is not comparable with that

for conventional housing sites, does not advance the aims of paragraph 4 of Planning Policy for Traveller Sites (PPTS) and raises an equality issue.

19. Some of the criteria for considering applications are somewhat onerous. Access by sustainable means (criterion c)) is not always practical. Wider issues of sustainability are as important (see paragraph 13 of the PPTS).
20. In criterion f) the PPTS at paragraph 13 refers to a 'high risk of flooding' so this phrase would be more appropriate than 'unacceptable flood risk'.
21. In criterion g) rural traveller sites are often seen as having an 'adverse' impact on character and appearance. The criterion would better reflect reality if it were to seek mitigation through well planned soft landscaping to reduce the impact to within acceptable bounds.

#### **Policy HC7**

22. Criterion b) is convoluted and should be expressed as 'the existing use as a dwelling is lawful'. There is a typo in criterion e) – a stray 'represents'.

#### **Policy HC9**

23. In criterion b) is whether the new self-contained units would have adequate privacy, natural light and outlook likely to be more of an issue? The intention of criterion f) is unclear.

#### **Policy HC10**

24. The policy does not include a criterion relating to impact on living conditions. Is this a conscious omission?

#### **Policy HC11**

25. The Planning Practice Guidance indicates that local planning authorities should provide justification based on need, viability and timing for internal space standards. Similarly for accessibility requirements there is a requirement to demonstrate need and consider the impact on viability. What work has the Council carried out in these respects?
26. The last paragraph of the policy refers initially to space standards but then at the end refers to accessibility. On the basis of M33 both should be referred to for consistency.
27. The policy, including the proposed mix of housing and space standards, will be discussed at the hearings.

#### **Policy HC12**

28. The requirement to enter into a legal agreement in relation to annexes created in outbuildings appears onerous. An annexe is by its very nature not a separate dwelling and planning permission would be required for a change of use to a

separate dwelling. Imposing a condition that any annexe created should only be used as ancillary accommodation would be a 'belt and braces' approach.

### **Policy HC13**

29. Criterion d) of the policy should also refer to existing buildings on the unit or within the locality that could be converted and would provide suitable accommodation for the worker.

### **Policy HC14**

30. The policy refers to contributions to open space and sports facilities in line with local standards set out in the study report. Are these the standards set out in Table 6? If so the table should be cross-referenced within the policy for clarity. If the study report is a separate report this should be clearly signposted and the standards contained within the Plan.

31. If financial contributions are to be secured by Section 106 obligations what are the implications of the pooling limitations contained within Regulation 123 of the Community Infrastructure Levy Regulations 2010 for the effectiveness of the policy?

### **Policy HC15**

32. Are the Council satisfied that the policy is consistent with paragraph 70 of the Framework? Criterion c) appears superfluous as, if the local community was interested in acquisition at a 'realistic price', this would be caught by criterion b). Alternatively perhaps it should only apply to Assets of Community Value?

### **Policy HC17**

33. In the first paragraph 'acceptable' should be replaced with 'permitted'. The 2<sup>nd</sup> part of the policy is not entirely consistent with paragraph 74 of the Framework. Was this the intention? What is the justification for the differences?

### **Policy HC19**

34. The statement in paragraph 6.55 about effective travel demand measures in Matlock and Ashbourne does not appear to have any specific expression through the policy. Given that such measures are crucial to development coming forward should this requirement not be built into Policy HC19 and/or the strategic site allocation policies?
35. The bullet point relating to on-street parking is not very well expressed. The free flow of traffic is not always desirable. The following is suggested: 'Ensuring development does not lead to an increase in on-street parking to the detriment of the safe and efficient operation of the highway network'.
36. If developer contributions are to be secured by Section 106 obligations what are the implications of the pooling limitations contained within Regulation 123 of the Community Infrastructure Levy Regulations 2010 for the effectiveness of the policy?

## **Policy HC21**

37. The Written Ministerial Statement of March 2015 stated that 'local planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network'. What justification is provided for the policy and the maximum parking standards contained within Appendix 2?

## **Response**

38. It would be helpful to have a response from the Council on matters raised above by 24 February if possible. If the Council consider that any of the above comments and questions need to be addressed by Main Modifications (MMs) then please let me know. In this respect as advised in the Initial Questions a Schedule of MMs should be produced at an appropriate stage.

39. I am not inviting comments from other parties at this stage. I want to clarify the Council's position first. This will help me set out pre-hearing questions in due course on which all parties with relevant representations will have the opportunity to respond.

Thank you.

*Mark Dakeyne*

INSPECTOR

14 February 2017