
Examination of the Central Lincolnshire Local Plan

Matter 3 - Spatial Strategy and Distribution of Growth

Statement submitted on behalf of Cyden Homes

October 2016

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APPENDICES

- 1 - Site Boundary Plan

1.0 INTRODUCTION

- 1.1 This statement has been prepared by Barton Willmore LLP on behalf of Cyden Homes Limited, which controls land to the south of Hawthorn Road, Cherry Willingham, identified by the South East Lincolnshire Joint Planning Unit (JPU) as land at Bleak House Farm (site reference CL4363), hereafter referred to as 'the site'. A site boundary plan is provided at **Appendix 1**.
- 1.2 Cyden Homes is committed to the delivery of new housing development from the site. AN outline planning application was submitted to West Lindsey District Council (WLDC) in March 2016, for the development of up to 300 homes. The application was reported to WLDC's Planning Committee in July 2016, with officer recommendation to grant planning permission. A copy of the planning officer's report is included with our separate statement submitted in response to Matter 5.
- 1.3 Planning permission was refused by WLDC, principally due to conflict with policy LP2 of the Submission Central Lincolnshire Local Plan ('the Local Plan').
- 1.4 The site is promoted as an omission site, for allocation for the development of 300 homes. The site could make a contribution to housing delivery in the first five years of the Local Plan, in a sustainable location and with high quality new homes, including the provision of affordable housing.
- 1.5 For the reasons set out in our statements responding to Matters 2, 3 and 5, on behalf of our client, the Local Plan is unsound. Where possible, we have recommended modifications to the Local Plan to rectify the parts of the Local Plan which are deemed unsound. We trust our submissions will assist the Inspectors appointed to examine the Local Plan and in arriving at a positive outcome for the Examination.

2.0 ISSUE 3C - LEVEL AND DISTRIBUTION OF GROWTH - POLICY LP3

Q8. How was the distribution of growth between the settlements established, and what evidence supports this? Is it justified?

2.1 The distribution of housing growth between the settlements is arbitrary. The 'elsewhere' area of the plan area includes a substantial number of rural settlements including Market Towns and Larger Villages, where additional development is needed to maintain and enhance of the vitality of these communities.

2.2 The distribution of new housing provision which is heavily focused upon the delivery of large allocations of the edge of the primary settlements is not justified, recognising the absence of a sufficient five year housing land supply upon the (anticipated) adoption of the Local Plan.

2.3 A more dispersed distribution of housing, with a greater number of smaller development sites could contribute towards the nation priority to boost significantly the supply of new housing and the requirements of the plan.

Q11. Is the 12% growth for the 'elsewhere' settlements sufficient to help support sustainable communities in small, medium and large villages? Will the overall housing distribution be effective in meeting the Vision of the Plan?

2.4 No. In the case of settlements including Cherry Willingham, where the Local Plan makes allocations, the approach to the level of housing provision is ambiguous. As we set out in our response to Matter 5, the JPU has restricted wider opportunities for sustainable development, omitting what is the most suitable site at Cherry Willingham for allocation in the Local Plan.

3.0 ISSUE 3D - LINCOLN URBAN AREA, MAIN TOWNS AND MARKET TOWNS - POLICIES LP2 AND LP3

Q13. Policy LP2 states that additional growth will be considered favourably on non-allocated sites in appropriate locations in the Lincoln Urban Area, Main Towns and on the edge of Market Towns. In contrast, Policy LP55 restricts new dwellings in the countryside. How will it be decided if a site represents an *appropriate location* or *countryside* and, therefore, which plan policy should apply if the plan does not define a boundary between settlement and countryside? In this context, will the policy be effective and will it provide a clear indication of how a decision maker should react to development proposals? Should the plan include a clear definition of 'countryside', 'appropriate locations' and 'locations on the edge of market towns'? Is development in 'appropriate locations' necessary to ensure the housing requirement is met? What is the justification for this policy stance?

3.1 We generally support the more positive approach proposed in Policy LP2 for the favourable consideration of "additional growth". However, no justification is given by the JPU to confirm why this approach is not extended to the Large Villages, as sustainable settlements.

3.2 As we set out below, we recommend that a more consistent approach is adopted in Policy LP2 to the consideration of additional growth.

3.3 In response to the Inspectors' question relating to the conflicting approach to additional growth on unallocated sites, set out in Policy LP55, we support the more positive approach to securing opportunities for sustainable development in Policy LP2 (subject to the objections raised above).

3.4 The severely restrictive approach to new (housing) development in the countryside is reminiscent of previous national policies, which is now inconsistent with the more positive approach contained in the NPPF.

3.5 We support that the policies need to provide a clearer indication of how a decision maker should react to such proposals and that this should be secured through modifications to Policy LP55 (see our response to Matter 5).

4.0 ISSUE 3E - LARGE VILLAGES - POLICIES LP2, LP3 AND LP4

Q16. Policy LP2 states that in exceptional circumstances additional growth from non-allocated sites in appropriate locations on the edge of large villages might be considered favourably, but are unlikely to be of a scale over 25 dwellings / 1ha in size. What is the justification for this policy stance? How are the 'exceptional circumstances' going to be considered and tested in a consistent and transparent manner across large and medium villages? Is the policy effective?

- 4.1 Within the NPPF, an "exceptional circumstances" test for new development proposals features only in respect of development with AONBs (paragraph 116), a specific national policy designation which indicates that development should be restricted.
- 4.2 Policy LP2 acknowledges that additional growth is required and yet places a severe restriction on additional growth, for no sound planning justification, inconsistent with national policy.
- 4.3 Policy LP2 states that "most of this growth will be via sites allocated in this plan, or appropriate infill, intensification or renewal of the existing urban area". This acknowledges that some additional growth will be required to meet the requirements of the plan. As such, there is no justification for establishing an exceptional circumstances test.
- 4.4 Furthermore, Policy LP2 provides no flexibility for local communities at large villages who may choose to pursue additional growth through a neighbourhood plan, as is permitted for medium and small villages. This further restricts opportunities for sustainable development, contrary to the NPPF.
- 4.5 For the reasons set out above, the second part of Policy LP2 relating to large villages is unsound, as it is not positively prepared, not justified, not effective and inconsistent with national policy. It should be deleted, as set out below:

"4. Large Villages

To maintain and enhance their role as large villages which provide employment, retail, and key services and facilities for the local area, the following settlements will be a focus for accommodating an appropriate level of growth. Most of this growth will be via sites allocated in this plan, or appropriate infill, intensification or renewal of the existing urban area. ~~In exceptional circumstances, a~~Additional growth on non-allocated sites in appropriate locations on the edge of these large villages ~~might be~~ will also be considered favourably;

~~though these are unlikely to be of a scale over 25 dwellings /
1 ha per site (whichever is the smaller)."~~

Q17. What is the justification for setting a threshold of 25 dwellings? Is this appropriate and justified?

4.6 This is a principally matter for the JPU to address, however, we object to this arbitrary threshold. We recommend therefore that it is deleted.

5.0 ISSUE 3F - GROWTH IN VILLAGES - POLICY LP4

Q18. Policies LP2 and LP4 accept the possibility of development on the edge of settlements in small, medium and large villages. In contrast, Policy LP55 restricts new dwellings in the countryside. How will it be decided if a site represents a development at the 'edge' of a village or in 'the countryside', and therefore, which policy should apply? In this context, will Policies LP2 and LP4 be effective and will they provide a clear indication of how a decision maker should react to development proposals? Should the plan include a clear indication of how this will be resolved when making development management decisions? As per Q13 above, should the plan include a clear definition of 'the edge of a village' for category 5 and 6 villages?

5.1 As set out above, we object to the more restrictive approach to additional growth set out in Policy LP55.

Q27. Where the growth level in a tier 5-6 village has been achieved, Policy LP4 states that proposals for additional housing will only be supported if there is demonstrable evidence of local community support or support from the Parish or Town Council. What is the justification for this? Is this based on land-use planning issues?

5.2 We note that this relates to Policy LP4 and tier 5-6 villages, and not tier 4 large villages. However, if considered sound, we question why a test relating to local community support or support from the Parish Council is not applicable within the plan area as a whole.

5.3 In this regard, we draw the Inspectors' attention to our response to Matter 5 which identifies the support given by Cherry Willingham Parish Council (CWPC) to the principle of development on our client's site, south of Hawthorn Road (see site boundary plan at **Appendix 1**). This support is clearly expressed based upon rational planning judgements.

Q28. What happens if existing commitments do not come forward, or are unlikely to come forward due to constraints/infrastructure/viability issues? Would this prevent other forms of sustainable development from being achieved?

5.4 Again, whilst this question is posed in respect of Policy LP4, we consider this to be relevant to the approach taken in Policy LP2 relating to Cherry Willingham and large villages generally.

5.5 We have raised concerns regarding the deliverability of the proposed allocations at Cherry Willingham and the prospect that sites may not be brought forward in the short to medium term to help boost significantly the supply of new housing in the area.

Q31. Policy LP2 states that medium villages will accommodate a 'limited amount of development' and small villages 'small scale development' unless "... otherwise promoted via a neighbourhood plan..." Is this consistent with paragraph 184 of the Framework which requires neighbourhood plans to be in general conformity with, and reflect the strategic policies of the Local Plan?

5.6 The Inspectors will be aware that paragraph 184 of the NPPF goes on to state that neighbourhood plans should not promote less development than set out in the Local Plan or undermine its policies. The NPPF permits additional growth with these parameters.

5.7 The preparation of neighbourhood plans will be subject to subject to an assessment against the basic conditions which, inter alia, require them to be in general conformity with the Local Plan. As such, the consistency between neighbourhood plans and the Local Plan will be controlled.

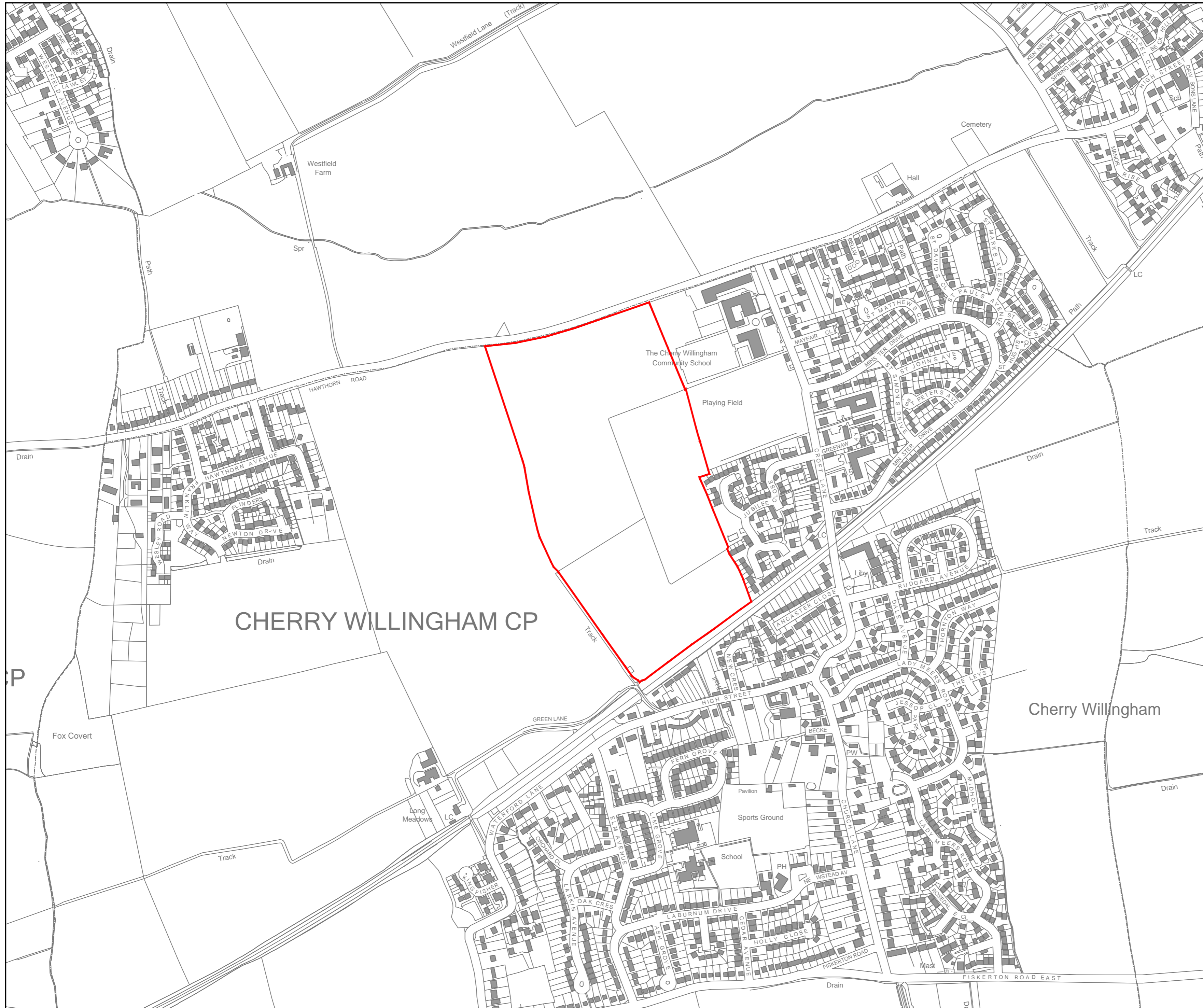
5.8 It is therefore unclear why Policy LP2 does not allow for the allocation of additional sites for housing through neighbourhood plans. We therefore recommend that it is made clear in the policy that this would be acceptable.

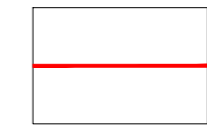
Q34. Is the approach to development in small and medium villages consistent with paragraph 55 of the Framework? Will there be enough growth in small, medium and large villages to help support sustainable rural communities? Is the Local Plan consistent with paragraph 55 of the Framework which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities?

5.9 No, for the reasons set out above and in our separate statements in response to Matters 2 and 5.

APPENDIX 1

Site Boundary Plan

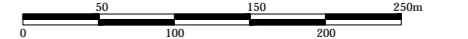


 Site Boundary
 - 21.36Ha / 52.79Ac

Project
**Land South of Hawthorn Rd,
 Cherry Willingham**
 Drawing Title
Site Boundary Plan



Date 10.10.16	Scale 1:5000@A2	Drawn by S.M.	Check by M.K.
Project No 26678	Drawing No RG-M-05	Revision -	



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