



WILLAND PARISH COUNCIL

Clerk to Parish Council Ms K Taylor, 40 Townlands,
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29 June 2019

Appeal Reference: APP/Y1138/W/18/3214685

Land at NGR 303288 110467
Adj Meadow Park
Willand
Devon
Grid Ref Easting: 303288
Grid Ref Northing: 110467

Mid Devon District Council Reference **18/00175/MOUT**

Proposal: Outline for the erection of up to 125 dwellings with public open space and associated infrastructure

Location: Land at NGR 303288 110467 Adjacent to Meadow Park, Silver Street, Willand.

1. Willand Parish Council strongly objected to this application and submitted their comprehensive reasons in a letter to the Planning Officer dated 26 February 2018. A copy of the letter is attached to this response at Appendix 'A'. Much of the reasoning and argument in that letter is still very relevant and remains the view of the Parish Council.

2. Willand Parish Council urge that this appeal be dismissed. Their submission references the letter of 26 February 2018 using the headings and paragraph numbers from that letter.

3. **1. Status and Designation of Site under current Policy.**

3.1 The information provided under this paragraph and sub paragraphs is still relevant. The information in paragraph 1.6 needs updating in that the 28 houses are virtually completed and the relevant Housing Association are going through the letting process for them to be occupied within the next few months.

4. **2. Status and Designation of Site under Local Plan Review 2013 – 2033.**

4.1 The information provided under this paragraph and sub paragraphs is still relevant. The information in paragraph 2.1 needs updating. The Local Plan Review 2013 – 2033 has been submitted to an Inspector, public hearings have been held and the Inspector has now issued a **Post-Hearings Advice Note** dated 21 May 2019. A copy of that Advice Note is attached at Appendix 'B'.

4.2 The Inspector does require MDDC to provide, for his analysis, a projected housing trajectory to show a five-year supply of deliverable housing sites. If they should fail to do so suggestions have been made in relation to other sites which, in the case of this site, the subject of appeal, may provide additional housing but could contradict other comment in relation to traffic capacities and the availability of infrastructure provision in Cullompton.

4.3 It is suggested that the emerging policies in the Local Plan should now carry more weight thereby showing that this proposal is contrary to current and emerging policy.

5. 3. Lack of 5 Year Land Supply and implications of Inspector's Appeal Findings.

5.1 Paragraph 3.1 needs to be updated in the light of the following: MDDC Officers, in relation to a current application in Cullompton have stated that '*the Council is satisfied that it can currently demonstrate a 5 year housing land supply. However, since an appeal at Uffculme in 2016, its policies relating to housing delivery in the Core Strategy are considered to be out of date and therefore the tilted balance in the NPPF applies to the consideration of applications.*' It further states that '*This does not mean that Mid Devon's policies must be cast aside, but the weight given to them is proportionate to their consistency with the NPPF.*' This decision is now three years old and circumstances in the area have changed considerably in relation to more outline planning approvals being approved for housing and employment.

5.2 It is also noted that the Campaign for the Protection of Rural England [CPRE] has commissioned a comprehensive study of housing need, using Government figures from the Office of National Statistics. This shows that the projected build figures in Mid Devon are 40% in excess of the projected need.

5.3 It is considered that the comments and views set out in paragraphs 3.2 to 3.4 inclusive are still valid.

6. 4. Current Application Detail and local Observations.

The comments made in paragraphs 4.1 to 4.3 inclusive are considered relevant to the appeal as are paragraphs 4.6.1 and 4.6.2.

7. 5. Benefits and Harm.

All of the paragraphs under this heading are still relevant.

8. 6. Possible Reasons to Support Refusal of Application.

8.1 The reasons set out in the sub paragraphs are all still relevant. The comments in paragraph 6.4 note that the Inspector in that appeal gave '*significant weight*' to the conflict of the scheme with policies. It is submitted that even greater weight ought to be now given to those policies in the light of there being a proven 5 year land supply and the fact that the Local Plan Review is so much further advanced.

8.2 The comments in paragraph 6.10 are modified to submit that as there is a 5 year land supply and the Local Plan Review is in a much more advanced state of examination then the provisions of the NPPF are 'modified' in that the 'tilted balance' provisions are not needed and do not apply.

9. Conclusion Summary

9.1 It is submitted that the appeal should be dismissed with all, or most of the following reasons being relevant to support the refusal.

9.2 The building of 125 dwellings on this site is contrary to current policies as itemised as reasons for refusal in the Decision Notice of 9 October 2018. In addition CS Policies COR 17 and COR 18 should be considered. When one considers the extra dwellings provided and those planned in this application Willand would be expanded well over any proven need for the village.

9.3 The offer of contributions via S106 agreement do not, in the Parish Council view, 'tilt the balance'. The school would benefit from the additional building work but DCC Education has not asked for an Education Contribution. The contribution to improving 'teen facilities' would be using existing, and not adding to, public green open space in the village which has been shown to be 64% below what is required by a population of the size of Willand. Due to time constraints the Health and Community Centre site has had to be used for other purposes rather than lose the site under time constraints. Monies could still be used to provide furnishings, fittings and human resources to utilise some community activity on the site.

9.4 Since the application was refused facilities at the nearby only remaining garage site have been reduced. The butcher/bakehouse shop has been lost due to closure and so the village has suffered a loss of facilities. The development will provide no gain in facilities to aid the viability or social cohesion of the village community.

9.5 Although Highways make no objection in the light of an Inspectors' decision in 2017 it is brought to attention that 'time has moved on' and the relevance of that decision could be reconsidered. The cumulative effect of ninety dwellings which will soon become available just outside Willand at Uffculme; Four hundred houses have received outline planning approval on the Willand side of Cullompton with another 200 dwellings part of the same development the subject of delay for 'improvement'. The Inspector reviewing the Local Plan has commented on the need to stop further approvals until there have been provision of road improvements. The possible increase in the capacity of the appeal site would appear to aggravate the current traffic concerns.

9.6 It may be suggested that a proportion of the extra traffic will go up the B3181 towards Junction 27. It has to be taken into account that there are to be major increases in the business parks at Willand and Hitchcocks Farm as the result of current approvals/applications. Added to this will be the additional traffic from the increases in capacity of the Digester site and the 2 Sisters poultry facility. The bulk of this traffic will be large lorries and no improvements have been indicated to the B3181 between Willand and Waterloo Cross. Nothing appears to be being considered to improve Leonards Moor Cross which allows access to Uffculme School. This junction has a recognised accident record.

10. It is recommended that the appeal should be dismissed.



WILLAND PARISH COUNCIL

Clerk to Parish Council Ms K Taylor, 40 Townlands, Willand,
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26 February 2018
Mrs A Fish
Area Team Leader
Planning & Regeneration
Mid Devon District Council
Phoenix House
Tiverton
EX16 6PP

Your ref: 18/00175/MOUT

Dear Mrs Fish

Willand Parish Council discussed this application at their meeting on 22 February and unanimously strongly object to it. The reasons and matters considered are set out in the following paragraphs.

1. Status and Designation of Site under current Policy.

1.1 In the **Core Strategy** adopted in 2007 and intended to be valid until 2026, Willand is designated as a village. In paragraph 1.10, following a table summarising housing and population growth between 1981 and 2001, it showed that Willand was third in the District for housing completions and population growth after Tiverton and Cullompton and before Crediton. It further stated that *growth in rural areas had been considerable (particularly Willand, which has virtually doubled its population in that time)*. It should be noted that few facilities had been provided for the population in that time or since. Planned facilities attached to applications were subsequently dropped and the sites used for more housing. Community Infrastructure needs in a report by Devon County Council in 1970 identified a number of community infrastructure needs, one being a Health and Community Centre, and we still do not have one. There has been an increase in employment provision.

1.2 Villages **COR 17** identifies Willand as a settlement with some local facilities and employment with access to public transport. It states that development will be limited to minor proposals within defined settlement limits. The application site is outside of the current settlement limit for the village, although on the edge, and is therefore Countryside under the Core Strategy.

1.3 **Countryside COR 18** states that development outside the settlements defined, of which Willand is one, *will be strictly controlled*. The proposed development of up to 125 houses does not fall within any of the suggested appropriate criteria for

development in the countryside. The application therefore should not be approved [see later regarding five-year land supply].

1.4 The **Allocations and Infrastructure Development Plan Document** adopted in January 2011 did not allocate any land within the Willand Settlement Limit for development other than to refer to approval of potential windfall sites.

1.5 Two sites were identified outside of the settlement limit for affordable housing if a proven need was identified for housing to meet emerging local (Willand) needs; **AL/WI/1** – Willand Moor for 10 houses and **AL/WI/2** – West of B3181 35 houses.

1.6 **AL/WI/2** has had seven houses built on it and permission has recently been granted for a further 28 affordable houses to be built to complete the site although work has not yet commenced at the time of writing this response. This site is adjacent to the applicant site.

2. Status and Designation of Site under Local Plan Review 2013 – 2033

2.1 This plan has been submitted to an Inspector but it has yet to be approved. It is considered that it is still relevant to compare the current policies with the emerging proposed policies, particularly in relation to this application site where there is a consistent approach in policy from the current to the proposed plans.

2.2 **Villages Policy S 13** identifies Willand as a rural settlement designated as a village suitable for limited development. Development will be limited to proposals *within their defined settlement limits*. Those allocations will be 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.

The applicant site is outside of the current settlement limit but under the plan the settlement limit is proposed to be extended to include part of this application site on which it is proposed to provide 42 houses. This is still a major development for a village under planning guidance.

2.3 Under paragraph 2.78 it states:

“Rural areas are expected to accommodate approximately 10% of the housing requirement for Mid Devon up to 2033. 330 dwellings have been allocated and are considered available, suitable and achievable, capable of coming forward within the first 10 years of the plan.”

These 330 houses are to be divided between the 22 settlements identified in the policy which equates to 15 dwellings per settlement. Willand has been designated to take 42 houses and therefore have been allocated 12.7% of the rural allocation when a proportionate amount would have been 4.5%. 35 houses have been approved (7 already built) under current policy **AL/WI/2**. The implications of this are dealt with later in this response.

2.4 **Countryside Policy S 14** states that: **“Development outside the settlements defined by Policies S10-S13 will preserve and where possible enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy.”**

The bulk of the proposed site for this application will still be outside of the proposed new settlement limit and should benefit from the protection of this policy.

2.5 Under paragraph 1.21 of the emerging plan it states: “*The Local Plan Review replaces and supersedes the policies of the previous Local Plan that was adopted in three parts:....*”. There then follows a table showing all the proposed changes. In relation to Willand it shows:

“**AL/WI/1** - Willand, Willand Moor – Deleted: Site has not come forward since allocation. Alternative allocation within the village in Local Plan Review.”

“**AL/WI/2** – Willand, West of B3181 – Replaced by: W11 Land East of M5, Willand.”

2.6 **Rural Areas.** Under paragraph 3.186 it states: “*Twenty-one housing sites are allocated in rural areas and are considered achievable in principle, corresponding to rural settlement maps that accompany this document. Most housing allocations in rural areas are expected to deliver around 20 dwellings per hectare due to the low density character of existing village development, but in some cases a higher or lower density is justified.*”

The following table then gives the following information:

Parish/location – Willand; Policy – W11; Site – Land east of M5; Gross Site Area (ha) – 2.9; Net Site Area (ha) – 1.74; Uncommitted Local Plan allocations – 42.

2.7 **Policy W11 - Land east of M5, Willand** is set out fully together with the two supporting paragraphs:

A site of 2.9 hectares at land east of M5, Willand, is allocated for residential development subject to the following:

- a) 42 dwellings with 30% affordable housing;*
- b) Provision of buffer zone and appropriate planting to mitigate noise from the adjacent motorway;*
- c) Mitigation of any wildlife impact including protection of trees;*
- d) Transport assessment of capacity at the junction of Silver Street and Meadow Park; and*
- e) Retention and enhancement of the public right of way.*

3.236 The site is located to the south of Willand, adjacent to modern housing to the north and the M5 to the west. Noise from the M5 should be mitigated by a buffer zone and planting along the boundary to ensure residential amenity is not adversely affected. The site has a number of mature trees on the eastern boundary and established woodland along the north east boundary. Mitigation measures should be taken to ensure there are no adverse impacts on any of the surrounding biodiversity.

3.237 A Transport Assessment of the capacity of the junction of Silver Street and Meadow Park may result in a different number of dwellings from the number allocated. The current public footpath across the northern boundary of the site should be retained and enhanced.

3. Lack of 5 Year Land Supply and implications of Inspector’s Appeal Findings.

3.1 It is accepted that Mid Devon District Council does not have a 5 year current housing land supply. This has resulted in a number of speculative planning applications from developers which are contrary to existing or emerging plan policies. The developers have cited the lack of supply and therefore indicated that the relevant provisions of paragraph 14 of the NPPF should take effect.

*At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

For **plan-making** this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

For **decision-taking** this means: 1

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

3.2 Interpretations of the implications of this guidance are varying with respective sites and application detail. It must be recognised that Inspectors are individuals and may interpret information and circumstances differently. It should also be noted that the situation surrounding the 5 year land supply argument is evolving with Government Ministers considering new powers to deal with developers who have planning permission on sites for some 420,000+ homes which they are not building or are building at a slower rate that they were a few years ago.

3.3 The most relevant findings to this current application is the report of Planning Inspector Mr H Baugh-Jones BA(Hons) DipLA MA CMLI in relation to Appeal Decision [APP/Y1138/W/17/3172380] reference to application 16/01811/MOUT for 259 houses on this and an adjoining package of land. Whilst recognising the failure to have a 5 year land supply and the fact that the emerging local plan had not been approved he did make observations which supported the relevance of current and emerging policy and the weight he gave to them.

3.4 The comments referred to at 3.3 above are [*Underlining is that of the consultee for ease of reference*]:

(a) 4. It is common ground between the parties that the Council cannot currently demonstrate a 5 year supply of deliverable housing sites (the five-year housing land supply (HLS)) and that having regard to paragraph 49 of the National Planning Policy Framework (the Framework), the tilted balance contained within Framework Paragraph 14 therefore applies.

(b) 7. The policies that feature in the Council's reasons for refusal of the application and which are therefore relevant to the determination of this appeal are: CS COR 1 (sustainable communities); COR 9 (access); COR 12 (development focus) and DMP policy DM1 (sustainable development).

(c) 10. Although not included in the putative reasons for refusal, CS policies COR 17 and COR 18 are relevant and have been referred to by both parties. COR 17 designates a number of rural settlements as 'Villages' wherein development will be limited to minor proposals within their defined settlement limits and to allocations for: affordable housing meeting a local need; small scale employment and tourism; services and facilities serving the locality; and other very limited development which enhances community vitality or meets a local social or economic need. Policy COR 18 seeks to strictly control

development in the countryside and sets out a number of criteria against which development will be permitted in these areas. The broad objective of the policy is to enhance the character, appearance and biodiversity of the countryside by focussing growth in the market towns to reinforce their social and economic role and enhance self-sufficiency. Based on all that has been put to me, I am satisfied that these two policies are relevant to my considerations in this appeal and I have therefore taken them into account in reaching my decision.

(d) 13. In my view, it is reasonable to conclude that there is a vast gulf between the scale of development proposed and what the development plan envisages for villages such as Willand as expressed in CS policy COR 17. I therefore consider the proposal to be in conflict with this policy.

(e) 14. The proposal would provide a substantial development of market housing and although there would also be an affordable housing element, this would be as a percentage of the total number of dwellings and there is no evidence before me that it would relate to an identified local need. Accordingly, the appeal scheme would not meet any of the criteria set out in policy COR 18 and therefore conflicts with it.

(f) 16. As part of its Local Plan review, the Council has allocated land for development on part of the appeal site, which demonstrates a clear recognition that in order to meet its aspirations for housing growth, not all development can take place within the existing built confines of settlements. Given the current stage of the Plan's preparation I do not consider that its policies can be given any more than limited weight in this appeal. However, the general approach of allocating a site to accommodate a modest number of dwellings in Willand accords with the broad principles of the CS and the Framework in seeking to ensure the level of development is adequately supported by infrastructure and to support its health, social and cultural well-being.

(g) 17. The proposal would very substantially increase the size of Willand. Within the village, there are a number of dispersed services and facilities. However, taking into account the existing size of the settlement, they represent a somewhat basic and modest level of provision.

(h) 19. Although the appeal scheme proposes to contribute financially towards education and healthcare facilities in Willand, there would be no corresponding increase in the number of other services and facilities. I recognise that the existing businesses would not necessarily be harmed economically but the scale of the development would be at odds with the Council's strategy for locating the majority of new housing in and around the larger settlements in Mid Devon. For these reasons, the proposal conflicts with CS policies COR 1 and COR 12.

(i) 51. CS policies COR 17 and COR 18 are contributing to a restriction on bringing forward development in the District in line with the Framework requirement to boost significantly the supply of housing. Accordingly, the appeal scheme's conflict with these policies is limited.

(j) 53. However, the emerging Local Plan Review envisages 42 dwellings including 30% affordable housing for Willand. This is very substantially lower than both market and affordable housing growth proposed in this appeal. Even if I were to accept that the need for housing could be greater than planned for in the CS in order to reflect the Full Objectively Assessed Need for Mid Devon, I am not persuaded that a development on the scale proposed would be likely to reflect a requirement to meet identified local needs

for either market or affordable housing. Furthermore, I have not been made aware of a pressing need for affordable housing in Willand such that the scale of housing proposed should override the provisions in the development plan.

(k) 54. Moreover, all of this must be considered in the wider context of creating a mixed and balanced community as promoted by the Framework. I am not persuaded that the proposal would make satisfactory provision for the shops and services that would be necessary to meet the growing needs of a village resulting from such rapid and substantial expansion. The influx of new households on the scale proposed would place additional pressure on the overall limited range of services and facilities in the village and whilst I accept that it is not necessary for the proposed development to be self-contained, I consider it would unbalance the settlement and undermine social cohesion. I give significant weight to the appeal scheme's conflict with the development plan and the Framework in this regard. This in turn limits the weight that I give to the appeal scheme's contribution to market and affordable housing.

(l) 55. Given that the Framework seeks to promote the vitality of our main urban areas, it seems to me that this chimes with the Council's development focus as expressed in CS policy COR 12. Insofar that CS Policies COR 1, COR 9, and DMP policy DM1 also seek to promote sustainable forms of development, I consider them to be in general conformity with the broad sustainable development objectives of the Framework. I therefore give significant weight to the appeal scheme's conflict with these development plan policies.

4. Current Application Detail and local Observations.

4.1 The outline application is to build up to 125 houses on the site with public open space, landscaping and associated infrastructure. There is also a separate Full planning application in respect of the access to the dwellings from Meadow Park. It is questionable if it is practical or appropriate to deal with the access separate from the housing development as the access is relevant to the approval for the number of dwellings when the emerging plan **Policy W11 - Land east of M5, Willand** requirements are taken into account, particularly with reference to transport assessment.

4.2.1 Under current plan policy **AL/WI/2** 35 affordable houses [7 already built] have been approved on an exception site. Under the emerging local plan that site allocation was to be replaced by a new site under emerging local plan policy for 42 dwellings - **Policy W11 - Land east of M5, Willand** – an increase of only 7 houses. The Parish Council has been advised that the emerging local allocation will not be altered so in effect the village of Willand will be increased by 77 dwellings. The latest figures show that the latest number of households in Willand is 1,419 which includes an increase of 51 (3.7%) from the last census. This has come from windfall sites within the settlement limits and there has been little or no community infrastructure to support that increase. The increase of 77 houses amounts to a further 5.4% increase on the latest figures.

4.2.2 If the 125 are approved this will be another 83 households on top of the 42 planned. Add to that the 35 that have been approved on the exception site, Willand will expand by a further 160 households which amounts to an increase of 11.3%. It must be questioned if this is proportionate for an allocation to a village under existing or emerging local plan policy or even NPPF?

4.2.3 The latest figures for affordable housing need showed that Willand has a requirement of about 40 household units over the next five years – 35 are being

provided on the exception site. The proposed 42 houses would have a 30% allocation for affordable housing = 12/13. This more than caters for the foreseeable needs of Willand. The proposal from the 125 application would give a 35% = 44 allocation of affordable houses which would make a total of 79 units, well in excess of the requirements of Willand.

4.2.4 In addition to this provision would be the cumulative provision of at least another 30 units of affordable housing on land off the Uffculme Road within a mile of the Willand boundary. There is also development of 600+ houses to the North of Cullompton which will be a mix of Market and Affordable Housing.

4.3 **Policy WI1 - Land east of M5, Willand** allocates a land area of 2.9 hectares for the provision of 42 houses. There is no mention of public open space or equipped play areas. The application site is approximately 6.4 hectares. This is an increase of 3.5 hectares = 121% over planned allocated area. Instead of 42 houses it is proposed to have up to 125 an increase of 83 = 197.6% over planned housing. If one takes the 35 affordable houses also approved on a site which was to be replaced by the 42 there is an increase of over 281% of housing than was planned for under the emerging local plan. Other than offers of contributions to education and public open space no provision is being made to enhance the social cohesion or wellbeing of the community.

Noise

4.4.1 There are concerns as to noise from the M5 being above the accepted limits. Policy WI1 (b) states that there should be "*provision of buffer zone and appropriate planting to mitigate noise from the adjacent motorway.*" A noise bund and planting is proposed along the M5 boundary with planting but the number of houses proposed would not appear to permit the width of buffer zone which could be achieved with the planned 42 houses.

4.4.2 Work has been undertaken with regard to assessing potential noise on the site caused by traffic from the M5 and a detailed report submitted as part of the application. It is referred to in the **Planning Statement** where paragraph 5.82 states: "*The site has been designed to maximise the reasonable protection from an acoustic barrier along the motorway boundary, and to utilise new buildings as a screen for those further removed from the motorway.*" Enhanced glazing and ventilation is discussed for these 'buffer properties' but it would appear that to open a window may not be an option. Although a matter for Reserved Matters, if outline consent is approved, it is asked if this is where the 'clusters' of affordable housing would be?

4.4.3 Paragraph 5.85 of the **Planning Statement** states: "*In respect of noise levels in external amenity spaces, it has been concluded that noise levels in a number of gardens, particularly to the west sides of the site would fall above the usual criteria of acceptability. A 2m high fence close boarded fence to the southwest boundary and individual gardens elsewhere should ameliorate the situation to a certain degree. In some of these situations, however, it may be necessary to accept a level of noise which is marginally above the usual design guidelines. For the large majority of gardens across the site, however, the predicted noise levels will be comfortably below these criteria."* Is it appropriate, acceptable or sustainable to allow a development which could have an adverse effect on the health and wellbeing of residents, either in their homes or on public or private amenity space through excessive noise levels?

4.4.4 The Parish Council have been advised that the timing and weather conditions present during when the measurements were taken for the report were rather favourable to the findings and more overcast weather and a different wind direction would have given higher and less favourable readings.

Public Open Space

4.5.1 The concept plan can be misleading as it shows considerable green open space. This land lies low and does not drain well and holds considerable amounts of surface water. This is added to by water draining down from the B3181 into a ditch leading onto the site at the North East Corner. Unless drained properly the proposed play area will be unusable whenever the weather is wet. This could also be a problem with other areas. Retention of hedges, drainage ponds and the motorway bund will also reduce useable space for people and so the described area of public open space is overstated. Protection measures for the hedges and trees during construction are outlined in reports with the application. If the application is approved then conditions or protection orders need to be put in place to ensure retention and protection after the completion of the site and well into the future.

4.5.2 There is no provision for any allotments. Willand has a site for allotments which has a waiting list and even with splitting the larger allotments into smaller units has not met the need. A commissioned study of public open space has shown that Willand has a shortfall of 64% for the size of population and so for this development to 'buy' provision elsewhere in the village is not an option. Contribution could be made to improving what is already there but it will not make additional space available.

4.5.3 There is a public footpath running along the Northern edge of the proposed site which is adjacent to protected woodland for part of its length. This is the only 'non-tarmac' surfaced footpath left in the village with woodland/hedge on one side and open fields on the other. Policy WI1 e) *Retention and enhancement of the public right of way* is required. The suggested 10m wide path area with potentially another 10m of private amenity space before any buildings will leave room for conflict with potential trespass by persons or dogs. If the application is approved then enforceable conditions need to be in place to maintain the public footpath access as it is suggested by the developer that this site may take four years to be completed.

Transport

4.6.1 Policy WI1 d) Transport assessment of capacity at the junction of Silver Street and Meadow Park. A transport assessment has been carried out as a desk bound and computer model in the main. It cannot be seen that any practical account has been taken of the effect of school drop off and collection or the on-street parking during evenings or weekends. No account seems to have been taken of the on-road parking and traffic movement through the junction when Willand Rovers have home games. No account has been taken of the extra traffic past the junction on the B3181 when the M5 or other roads are closed and this is used as a diversion route. An event which seems to be happening with greater frequency.

4.6.2 The impression is given that the development will provide pedestrian access to Silver Street and Meadow Park but it already exists for the public footpath. The pavement on the B3181 approaching the Old Village junction is only 1.4m wide when the hedge is cut back properly when it needs to be widened to at least 2m to cater for increased pedestrian traffic and ensure pedestrian safety from passing traffic close to the kerb edge.

4.6.3 The DCC Highways advice is not available at the time of submission of this response and so further comment may be submitted for consideration when it is seen.

5. Benefits and Harm

5.1.1 There would be economic benefits:

- (a) in the short term during construction with expenditure on jobs and materials.
- (b) £174,000 additional Council Tax revenue per annum for Mid Devon District Council;
- (c) £42,560 total New Homes Bonus payment to Mid Devon District Council over 4 years.
- (d) Increased expenditure in local business.
- (e) Monetary contributions to some local facilities.

These in the main summarise economic benefits to Devon and Mid Devon with limited benefit to Willand Village and its community.

5.1.2 The harm to the village can be identified as direct adverse impact or harm through cumulative effect.

- (a) The increased population will adversely affect the community cohesion of the village by the larger population being susceptible to isolation and difficulties in integration.
- (b) The extra pressure placed on facilities within the village:
 - (i) The school will be taken over capacity and there is little room for more class rooms or expansion of the building without reducing already inadequate hall, dining and outdoor play space;
 - (ii) The pre-school is at capacity and turning children away. DCC say that capacity can be found in the private sector BUT local experience is that there is a demand on the current facility which is looking for nearby premises to expand;
 - (iii) The Church and Church Hall have no room for expansion and are at capacity;
 - (iv) The Village Hall is in demand at peak times and is having to turn away bookings from local groups;
 - (v) The Youth Club, Brownies, Cubs, Guides and Scouts all have difficulties in coping with demand;
 - (vi) The Doctors Surgery operates only part time and is small and does not conform to the latest NHS requirements;
 - (vii) On street parking and other traffic issues have an adverse effect at times and this will be added to by such a major unplanned development.

6. Possible Reasons to Support Refusal of Application.

6.1 The site is outside of the settlement area of Willand and is in Countryside therefore contrary to current core strategy (CS) policy COR 18. Development outside of defined settlements should be strictly controlled.

6.2 If the settlement limit were to be extended to include the application site under CS Policy COR 17 it is a major development and not a minor proposal as covered by the policy. It is not required to meet a local affordable housing need as that has been met by recent approval of an exception site. It would not enhance the community vitality or meet any proven social or economic need.

6.3 The proposed development fails elements of CS policies COR 1 – Sustainable Communities and COR 12 – Development Focus. It would conflict with Development Management Policy (DMP) DM 1 – Sustainable Development Principles. Regardless of the proposals put forward regarding travel planning and the use of public transport

people will use their cars to access the wider community and facilities and so there could be conflict with elements of CS Policy COR 9 – Access.

6.4 There are consistent similarities of policy contained in the emerging Local Plan Review 2013 – 2033. This plan may not yet attract great weight being attached to its policies but it does show a consistence of policy conformity with the NPPF. In the recent appeal report by the Inspector, in referring to current policy, in paragraph 55 he stated: “*I consider them to be in general conformity with the broad sustainable development objectives of the Framework. I therefore give significant weight to the appeal scheme’s conflict with these development plan policies.*”

6.5 Policy S 1 Sustainable Development Priorities - a) places the development focus on the three main towns. Policy S 2 Amount and Distribution of Development states that development will be concentrated on the three main towns and that the Rural Areas should contribute 786 dwellings. There are 22 designated villages and so Willand should provide 36 of these over the plan period to be proportionate. Willand in fact was allocated 42 and 35 affordable have since been approved (7 built) giving a total of 77 houses – 114% over proportionate distribution of housing commitments set out in the emerging plan.

6.6 Policy S 5 will not be met regarding Allotments or Recreation Space. Space is not available offsite to provide the policy requirements.

6.7 Policy S 8 Infrastructure. None of the utilities have provision on the site but most can be facilitated at a cost. Definitive answers are not given in respect of sewage disposal as yet.

6.8 Policy S 13 – Rural Areas designates Willand is a village suitable for limited development and has indicated that the settlement limit can be extended to take in a site for 42 houses. As 35 have already been approved on a site this new site was to replace it can be argued that the 77 houses identified more than exceeds the definition of ‘limited development’.

6.9 Policy S 14 – Countryside. The larger portion of the applicant site is in what will still be Countryside and will not comply with policy.

6.10 Even if it is considered that the lack of a 5 year land supply indicates that there is no plan, or it is silent or out of date, then it is argued that the Inspector’s findings as outlined in paragraph 6.4 above apply. The NPPF advises that approval should be given unless *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;* that potential harm is outlined in paragraph 5.1.2 above.

Refusal of the application is strongly recommended.

Yours sincerely



Kate Taylor

Clerk to Willand Parish Council

cc County Councillor R Radford

MDDC Ward Councillors Mrs G Doe & Messrs R Chesterton & R Evans.

Mid Devon Local Plan Review 2013-2033
Proposed Submission (incorporating proposed modifications)
Examination
Inspector: Paul Griffiths BSc(Hons) BArch IHBC

POST-HEARINGS ADVICE NOTE

Vision, Spatial and Development Strategy, and Strategic Policies

From what I have read, and heard, I am content that the OAN figure of 7860 (393 pa) is soundly derived, as is the extent of commercial development envisaged. That said, while I appreciate the headroom allowed for, to comply with the (2012 version of) the Framework, these figures must be expressed as minima in Policy S2. That will require a Main Modification (MM).

Likewise, while I am sure there are different ways it could have been done, the vision, and general approach of the Plan, directing development, and housing in particular, to Cullompton, in the main, is reasonable, in principle.

However, there are some difficulties that flow from this approach. Given the highway constraints involved, the decision to concentrate on Cullompton has significant implications for delivery, and as a result, the housing trajectory and supply situation. Thanks to the now-completed signalisation scheme at J28 of the M5, the site to the north-west of the settlement for 1350 dwellings (Policy CU1), can deliver 600 dwellings before the proposed Town Centre Relief Road (TCRR) is complete. The remaining 750 dwellings must await its completion, as must the first 500 dwellings of the large allocation to the east of Cullompton for 1,750 dwellings in the Plan period (Policy CU7). Beyond that first 500 units, the allocation to the east of Cullompton will require a strategic intervention to facilitate further development, which may take the form of a new J28a on the M5.

It is reassuring, of course, to hear that the Council has secured funding from Central Government for part of the cost of the TCRR. That said, I am not party to the conditions attached to the funding offer (for reasons of commercial confidentiality) so I cannot be sure whether they can easily be complied with. On top of that, experience suggests that it will be some significant time before the TCRR is completed, and certainly more than 2/3 years. The land for the road has yet to be assembled, no planning application has been made for the road, and construction is likely to take many years.

With all that in mind, I have a significant concern about the housing trajectory in the early years of the Plan (before the TCRR is complete) in particular. I believe there to be a real danger that in those early years, the Council will find it difficult or impossible to show a five-year supply of deliverable housing sites. That situation may well continue if the TCRR takes longer to complete than envisaged (not an unusual occurrence where major infrastructure works are concerned). That would make the Plan under examination unsound.

With all that in mind, I require the Council to provide, for my analysis, a projected housing trajectory for Years 1-5 and 5-10 incorporating realistic assumptions about the

delivery of the TCRR, demonstrating how a five-year supply of deliverable housing sites will be maintained throughout these periods.

If that exercise shows that maintaining a five-year supply of deliverable housing sites will be difficult, or impossible, then MMs may well need to be considered to address the shortfalls. These may include for example (depending on the scale of any shortfall):

1. Bringing forward other allocated sites that are currently restricted in terms of timing with no good reason, the Policy SP2 site for example; and/or
2. Bringing forward the contingency sites; and/or
3. Extending existing allocations to accommodate more dwellings (the Policy WI1 site for example) or increasing densities to allow for more dwellings on allocated sites that are less constrained; and/or
4. Allocating a new, large site not constrained by the link road (or motorway junctions) that can come on stream quickly and bolster supply in the early years of the Plan while infrastructure is provided elsewhere.

Whatever the approach, it must be realistically capable of making a contribution to housing supply upon the adoption of the Plan. However, the first step must be the preparation of the projected housing trajectory.

Provision for Gypsies and Travellers

I have some concerns with the approach in both general and specific terms.

Not planning to meet the identified need in full is regrettable. While there is a history of 'windfall' sites coming forward, criterion a) of Policy S14, as amended, would appear to rule them out, in the countryside at least.

On top of that, while I make no criticism of the Council for having put forward allocations for Gypsy and Traveller Sites as part of wider housing allocations, it is clear from the evidence I heard at the Hearing, which was expanded upon subsequently, that this course of action might well lead to problems of delivery of either or both (which adds to my concerns about the housing trajectory expressed above). A more pragmatic approach is required, in my view.

Moreover, Policy DM7 stipulates, in relation to development proposals in the countryside, that the need should not be able to be met on another suitable site in Mid Devon which has consent or is allocated for Gypsy and Traveller pitches. That is an effective bar on this type of development if there are difficulties with delivery of allocated sites for the reasons set out above. Furthermore, if the Council is not planning to meet the identified need in full, I question the purpose of the stipulation.

Against that background, MMs will be required to the Plan under examination to ensure the need can be met and thereby make this part of it sound.

There are options that I might suggest:

1. Plan to meet the identified need in full by allocating enough sites while ensuring those sites are decoupled from general housing allocations to form separate allocations; or
2. Make Policy S14 permissive of G&T Sites in the countryside while decoupling allocated G&T Sites from general housing allocations and deleting the stipulation in relation to need in Policy DM7.

Policy J27

Having previously confirmed that I have no difficulty with the policy, and the aspirations it embodies, in principle, my questions at the Hearing were raised in the light of concerns that the policy, as drafted, was somewhat inflexible and too far geared towards a specific development model.

Based on the discussion I am however content that while the policy 'makes provision' for various elements, it does not rule out a scheme that takes a different format and in particular, a less ambitious scheme that might not require the Outlet Shopping Village. In that context, I do not see the need for any changes to the policy.

Policy SP2

This was discussed in some detail at the Hearings. I would observe first of all that the Plan's OAN of 7860 (393 pa) is an overall figure that reflects the inclusion of the Policy J27 allocation. Given that the Policy SP2 allocation is included so that the overall housing requirement can be addressed, the tie to Policy J27 serves no purpose. Reference to it should be removed.

Moreover, it was clear from the helpful submissions of the Highway Authority, that the limitation on development until the completion of improved access works to the A361 is unnecessary. Criterion b) needs to be removed.

These changes will require MMs.

Policy CB1

Issues were raised about this allocation but having visited the site, I am content that careful design (governed by Policy DM1) of any scheme that comes forward can ensure that impacts on the character and appearance of the area, and living conditions of adjoining residents, are kept within reasonable bounds. I do not see the need for any changes, therefore.

Development Management Policies

I have some concerns about the wording of Policy DM2 because the first part seeks to avoid any significant adverse impacts, but the second part requires renewable and low carbon energy to preserve (which I take to mean cause no harm to) landscape character, the setting of heritage assets, living conditions, and so on. The former is the correct approach and the second part needs to be adjusted to remove the contradiction. This will require a MM.

In relation to Policy DM5, I am content that the provision for electric vehicle charging points is not too onerous.

Policy DM12 gives cause for concern. Criteria a) and c) seem to me to be more about design and might find a more comfortable home as part of Policy DM1. I take a similar view in relation to criterion b). The general size and configuration of a dwelling, and the proper handling of recycling, refuse and cycle storage, are design-based considerations and the reference to the Nationally Described Space Standard seems to me unnecessary. If these criteria are adjusted to make plain that they refer to the design of new housing, and relocated into Policy DM1, then that would be a more efficient way of dealing with the matter. Based on what I read in advance of, and heard at, the Hearings, I am not convinced that the requirement for 30% of houses on sites of 10 houses or more to be built to Level 2 of Building Regulations Part M has been made out. I believe

20%, as a carry forward from the existing policy that refers to Lifetime Homes standards, is reasonable but again, this requirement could be moved into Policy DM1. All this will require a MM.

There was some discussion about criterion c) of Policy DM19 which deals with the protection of employment land. In my view, if criterion b) is satisfied, and suitable marketing (which might include for mixed use purposes) has taken place at an appropriate price, for at least 18 months without any interest, then an alternative use (which may take the form of a mixed use) should be allowed to come forward. Criterion c) which requires an additional sequential viability test is far too onerous a requirement and should be removed through a MM.

The phrase 'development proposals within or affecting' at the beginning of Policy DM27 is a little confusing. A development proposal within a protected landscape will obviously affect it. If the intention is to offer some protection to views into or out of the protected landscape, which seems reasonable, then it may be clearer to make a specific reference to such views. This would mean a MM. Alternatively, reference could be made to the setting of a protected landscape but that is more difficult and might require some form of definition in the explanatory text. Again, that would lead to a MM.

I have a concern that Policy DM28, and in particular the way it approaches mitigation and compensation in criterion c), fails to comply with 'People over Wind' and subsequent judgments. I suggest at this stage that the Council checks this point with their expert advisors.

Policy DM25 has several issues. To comply with Statute, criterion a) should apply a presumption in favour of preserving or enhancing all designated heritage assets, not just the most important ones. A reference to their settings would assist too. Criterion b) needs to refer to the significance of heritage assets rather than heritage assets and their settings. Criterion c) needs to properly reflect the wording of paragraph 133 of the (2012 version of the) Framework by referring to significance. The direct reference to paragraph 133 should be removed because planning applications will be determined using the latest version of the Framework. Criterion d) should properly reflect paragraph 134 of the (2012) Framework and refer to significance. Criterion e) could confine itself to 'Require developers to make a proportionate but systematic assessment of any impact on the setting and thereby the significance of heritage asset(s)'. Pointing to HE guidance in the manner proposed seems to me to run the risk of that guidance changing. All this will require a MM.

Other Matters

A number of changes to the Plan have been agreed in the various Statements of Common Ground submitted before and during the Hearings, and others were accepted by the Council at the Hearings (notably in relation to highways, education and other infrastructure required by the County Council). Consideration will be required to ascertain whether these changes will necessitate MMs. As a guide, anything that meaningfully changes an actual Policy, or in the case of supporting text, goes to the heart of the approach, will be. There are other minor changes proposed to the Plan too but anything that falls short of a MM is a matter for the Council.

Concluding Remarks

I recognise that this will give the Council much to ponder. Work can proceed on the production of a schedule of MMs in some areas. However, the projected housing trajectory for years 1-5 and 5-10 will need to be prepared before consideration can be given to whether MMs are required to address any housing supply difficulties. It is imperative that this piece of work is addressed and completed as soon as practicable and I would be grateful for an early indication from the Council of the likely timescale. Once all MMs have been put together (assuming the Council wishes to deal with them all at once), they will need to be consulted upon, of course, and after that, it may be that another Hearing is required to discuss them. Alternatively, it may then be possible for me to proceed to my report. I will of course, keep this under review.

Paul Griffiths

INSPECTOR

21/05/19