

Independent Examination of the North Dorset Local Plan (Part 1)

Statement by Clemdell Limited (ID No: 1191)

Hearing Session: ISSUE 4

Question 4.13

1.0 INTRODUCTION

1.1 Clemdell's Objections and Submissions focus upon the vitality & viability of the Primary Shopping Area of Blandford Forum's Town Centre.

2.0 AFFORDABLE HOUSING IN TOWN CENTRES

2.1 LP1 did not accept residential uses in Town Centres nor recognise "*that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites;*" (NPPF23) until November 2014 when SUD015/6/11/8 proposes "*The Council also recognise the role of residential uses above town centre uses within regeneration areas to help secure their vitality* " and SUD15/6/12/2 proposes "*In accordance with national policy the Council recognises that residential development can play an important role in ensuring the vitality of centres and encourages residential development of space over commercial property.*"

2.2 These changes are inadequate and are not carried into Policy changes (considered in Issue 3). They are not consistent with national policy and are not sound. On the issue of viability and encouraging residential development, the Plan is silent.

2.3 INS007 confirms that LP1 will contain a revised threshold of 11 or more units. That threshold may well be amended again by national or local policy and therefore the principles of the Affordable Housing levy fall to be considered.

2.4 Residential uses in town centres can be a key element in bringing back into use buildings and sites which have become redundant or uneconomic, particularly where development will bring with it investment in the fabric of historic towns.

- 2.5 To achieve this flexibility NPPF23 is specific that in drawing up Local Plans LPA's should set out policies to encourage residential development. That injunction underlines that for Town Centres the three elements of sustainable development have to be balanced without prioritising any part of a single element. PPG Viability states "*Emerging policy requirements may need to be adjusted to ensure that the plan is able to deliver sustainable development*".(ID10-007-20140306)
- 2.6 The threat to the viability of Blandford Town Centre has been identified by MWA in its reports for NDDC (SED016). This is considered under Issue 3. Any regeneration in the Blandford Town Centre Conservation Area will always incur abnormal costs not only in the planning process but also in meeting the proper costs of the particular requirements of enhancing and conserving the Conservation Area – this will typically include such things as cast-iron rainwater goods, customised joinery, and contemporaneous materials.
- 2.7 Such sites will be, per se, "brownfield sites" where PPG Viability states that "*Local Plan policies should reflect the desirability of re-using brownfield land, and the fact that brownfield land is often more expensive to develop.*" (ID10-025-20140306) and "*Where the viability of a development is in question, local planning authorities should look to be flexible in applying policy requirements wherever possible.*"(ID 10-001-20140306) without the need to test every individual site (ID10-006-20140306)
- 2.8 Policy 8, and its supporting text, are unsound as a decision-maker would not know how to react to a proposal as required by NPPF154 (cf Question 11.1)
- 2.9 NDDC has an SPG (COD036) which considers the relationship between brownfield sites, regeneration and planning obligations which states at 3.3: "*Redevelopment (Brownfield) Sites: Redevelopment costs of land for residential purposes may sometimes prove to be more expensive than greenfield development due to problems of building adaptation, servicing, land assembly and acquiring access rights. In such cases, consideration may be given to a relaxation of the requirements to make a full contribution. In particular, a flexible approach will be taken towards redevelopment schemes which contribute towards regeneration schemes and are of overall benefit to the local community.*"
- 2.10 This is particularly relevant to the viability of Town Centre sites where a flexible and fine-grained approach is required. PPG Viability references the need for a range of

viability criteria for differing types of housing provision and states “*This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments.*” (ID10-019-20140306).

- 2.11 That approach is totally absent from LP1. Indeed, as has been confirmed in discussions with NDDC Officers, the omission of consideration of current use or alternative values from LP1 is quite deliberate, in contradiction to PPG Viability “*Those options may include the current use value of the land or its value for a realistic alternative use that complies with planning policy.*”(ID10-024-20140306)
- 2.11 Policy 8(e) imposes a further layer of cost and uncertainty on development by seeking increased contributions by a way of a further assessment. That is contrary to PPG Viability with regards to:
- Plan policies: “*Current costs and values should be considered when assessing the viability of plan policy. Policies should be deliverable and should not be based on an expectation of future rises in values at least for the first five years of the plan period.*” (ID10-008-20140306)
 - Development control: “*Viability assessment in decision-taking should be based on current costs and values. Planning applications should be considered in today’s circumstances.*”(ID10-017-20140306)
- 2.12 NDDC’s wish to take advice from the DV indicates that it does not have the in-house expertise to assess viability. That is no reason to pass that cost onto developments which are prima facie already marginal. Developers will always employ their own expert in that field, at their own cost. The particular unsound principles include that “*the District Valuer would be instructed by the District Council*” (5.92) and that “*(t)he parties would agree to rely upon the conclusions of the District Valuer*” (5.93).
- 2.13 The government has already recognised that unrealistic Affordable Housing levies by councils is a major factor in stalling development and issued “Section 106 Affordable Housing Requirements-Review and Appeal” (ISBN 978-1-4098-3868-5). LP1 Paragraphs 5.92 and 5.93 are contrary to national guidance and natural justice.

3.0 DISCUSSION

3.1 NDDC subscribed to the Development Appraisal Toolkit – Dorset Authorities (June 2011) during the timeframe of preparing LP1 (MHN022). However it is disregarded in LP1. That Toolkit and LP1 paragraphs 5.71 to 5.110 should form the basis of an SPD – not least in response to Question 1.14.

3.2 NDDC has an SPG (COD036) that recognises the relationship between brownfield sites, regeneration and planning obligations and therefore makes a distinction, inter alia, between town centre and non-town centre development. LP1 would remove the current incentive for the enhancement and regeneration of town centres (in direct response to Question 3.2).

3.3 That SPD should, of course, support national guidance with particular regard to the points above.

3.4 In order for LP1 to be sound on this Issue:

3.4.1 At the end of paragraph 5.70 is added: Detailed Guidance will be incorporated into a Supplementary Planning Document, and will be kept updated.

3.4.2 Paragraphs 5.71 to 5.110 should be deleted to be combined, as necessary, with the “Development Appraisal Toolkit – Dorset Authorities” and “Planning Obligations for the Provision of Community Infrastructure” into an SPD that complies with national guidance.

3.4.3 **POLICY 8: AFFORDABLE HOUSING** is amended:

All ~~d~~Development that delivers ~~three~~ eleven or more net additional dwellings, including housing on mixed-use sites, will contribute to the provision of affordable housing subject the viability of the scheme.

Such development will contribute to the provision of affordable housing in the following proportions:

a within the settlement boundary of Gillingham 30% of the total number of dwellings will be affordable; and

- b within the southern extension to Gillingham 35% of the total number of dwellings will be affordable, subject to any site-based assessments of viability; and
- c elsewhere in the District 40% of the total number of dwellings will be affordable subject to any site-based assessments of viability .

In the event of grant funding (or another subsidy) being secured ~~or having the prospect of being secured~~ in relation to affordable housing provision on a site, the percentage of affordable housing provided should be maximised to reflect the level of funding secured.

Where the viability of a development is in question, the Council will look to be flexible in applying policy requirements wherever possible. The Local Plan policies will reflect the desirability of re-using brownfield land, and the fact that brownfield land is often more expensive to develop. The Council will produce an SPD that will identify the different levels of contribution to be sought from specific forms of residential developments with lower levels of contributions to encourage regeneration and the re-use of brownfield sites, and in particular town centre based development and conversions, which enhance the heritage assets in Conservation Areas.

~~In cases where a level of affordable housing provision below the target percentages is being proposed, the developer may be offered an opportunity (subject to certain requirements) to involve the District Valuer with a view to securing a mutually agreed level of affordable housing provision. In any case where viability is an issue, an 'open book' approach will be sought on any viability assessment.~~

If it can be demonstrated that a level of affordable housing provision below the percentages set out above can be justified on grounds of viability (taking account of grant funding or any other subsidy) an obligation will be required:

- d to secure the maximum level of provision achievable at the time of the assessment; and
- ~~e to enable the level of provision to be increased in the future, subject to a further assessment, in the event of an improvement in the relevant financial circumstances prior to or during the construction of the site.~~

On new-build development on sites to be allocated by Part 2 of the Local Plan the presumption is that affordable housing will be provided on site. Where the size or form of a site means that the full required percentage of affordable housing could not be provided on site, ~~the amount of affordable housing that can be accommodated on site will be maximised.~~ Any shortfall in on-site provision will be met either by off-site provision or, where alternative off-site provision is not considered feasible or viable, by a financial contribution.

[Where a developer contribution..... etc as drafted]

Independent Examination of the North Dorset Local Plan (Part 1)

Statement by Clemdell Limited (ID No: 1191)

Hearing Session: ISSUE 4

Question: 4.5

1.0 RELEVANT SHLAA SITES IN THE BLANDFORD AREA

1.1 The SHLAA document in the Evidence Base (MHN007) states it was published in August 2011. It is not clear whether the individual assessments sheets are part of the evidence base. Clemdell's submission is about seven sites and for the avoidance of doubt NDDC assessment sheets and the plan found on Dorset Explorer is appended (A4) for these sites:

	Ref	Name	SHLAA Comment
1	2/04/0460	Land Adj A350/A354 Junction Blandford St Mary	Not Achievable: review of settlement boundary therefore longer term potential Access would be off A350.
2	2/03/0534	Land at Blandford St Mary 1	Detached from settlement, extends development along already busy A350 corridor therefore excluded
3	2/03/0535	Land at Blandford St Mary 2	Detached from settlement, extends development along already busy A350 corridor therefore excluded
4	2/03/0536	Land at Blandford St Mary 3	Detached from settlement, extends development along already busy A350 corridor therefore excluded
5	2/03/0473	Farm Buildings at Littleton Lodge	Farm buildings in Open Countryside and not associated with a settlement therefore not suitable for development
6	2/09/0469	Land at Newtown Charlton Marshall	Not Achievable. Outside of settlement boundary therefore longer term potential
7	2/09/0461	Land Between Newlands Manor House & Tannery Court Charlton Marshall	Not Achievable. Outside of settlement boundary therefore longer term potential

1.2 The forms all state that they represent the “Position as at 31st March 2012”. It is unclear whether the SHLAA has been updated to that date.

2.0 THE NEED FOR THE UPDATE

2.1 As can be seen sites 2 and 3 and 4 are rejected as detached from a settlement and extending development along already busy A350 corridor. Site 1(St Mary’s Hill) was also rejected in the Local Plan.

2.2 The Focussed Changes currently promote site 1 with an acknowledged “*issue about the severance created by the Blandford bypass*” (SUD008 paragraph 3.20). The other constraint, extending “*development along already busy A350 corridor*”, is similar to the assessment of St Mary’s Hill.

2.3 If it is determined through the Local Plan – Part 2 process that severance and detachment from the settlement of Blandford is acceptable in terms of sustainability and self-containment it is foreseeable that sites 2 and 3 and 4 should proceed to planning approvals

2.4 If there is not a general update of the SHLAA, then in any event the seven sites listed must be reassessed together and in the context of the justification given for the Focussed Changes so that the examination of the Local Plan Part 2 can consider the ribbon effect of a St Mary’s Hill allocation upon the sustainability and containment of Blandford.

3.0 DISCUSSION

3.1 By way of SUD015/1/INT/3, NDDC have taken the opportunity to reinforce the distinctive functions of Part 1 and Part 2 of the Local Plan: “*The two-part approach will see a strategic policy framework put in place in advance of specific sites being allocated*”: Part 1 stops at “*the identification of broad locations for development*”. LP1 paragraph 1.7 states “*Part 2 (a subsequent document) will allocate specific sites*”

- 3.2 The “*broad locations for development*” in LP1 Policy 16 includes in (b) housing land to the south east of Blandford St Mary, also called in plan documents (eg SUD008). “land south of the A350/A354 roundabout”.
- 3.3 If it is determined by this Examination (e.g. pursuant to Question 1.13) that the subdivision of the Local Plan is sound then “*(w)ork will commence on Part 2 of the Local Plan following the adoption of Part 1.*” Given the work required (see e.g. SUD015/6/12/4) it is foreseeable that Part 2 will not be produced before 2017 possibly seven years after the assessment in the current SHLAA. That would not be the up-to date evidence consistent with national guidance (e.g. NPPF158)
- 3.4 By way of the key change CON/16/1 the Local Plan seeks to change the spatial strategy for the location of Blandford housing from the sustainable strategy applied in originally assessing the SHLAA sites: e.g. no longer would the town centre or the bypass be considered relevant to self-containment. Therefore LP2 must reassess the seven sites above in the changed circumstances proposed in LP1 together with all other sites that come forward through the Part 2 process.
- 3.5 Assuming the Plan proceeds in two-parts, in order to make this issue sound, LP1 paragraph 1.7 should be amended: “*Work will commence on Part 2 of the Local Plan following the adoption of Part 1 to include assessment of specific sites in the broad locations for development included in Part 1. For housing allocations this work will include a revision of the SHLAA*”