

**Plymouth and South West Devon Joint Local Plan
Examination**

**Response to Inspectors' Matters Issues and Questions
for the Examination Hearings**

JLP Councils

Matter 10 Other Development Policies

JLP Councils: 8 January 2018

JLP Councils PSWDJLP Examination Hearing Statement – Matter 10

Contents

Matter 10 Other Development Policies.....	3
Issue 10.1: <i>Delivering Healthy Communities (Policies DEV1-DEV5)</i>	4
Question 10.1(i)	4
Question 10.1(ii)	5
Question 10.1(iii)	6
Question 10.1(iv)	8
Issue 10.2: <i>Delivering Quality Homes (Policies DEV9, DEV10 and DEV13)</i>	9
Question 10.2(i)	9
Question 10.2(ii)	11
Question 10.2(iii)	13
Question 10.2(iv)	14

Matter 10 Other Development Policies

Main Issue - Does the JLP provide a robust framework of policies for the management and delivery of development across the plan area that will deliver healthy communities and quality homes? Are the policies justified, effective and consistent with national policy?

Evidence Base and Submission documents referenced in this Matter Statement

- [National Space Standards – Assessing the impact of adopting space standards” \(HO10\)](#)
- [Gypsy, Traveller and Travelling Showpeople Accommodation Assessment: Final Report \(HO14\)](#)
- [The Gypsies and Travellers and Travelling Showpeople Site Assessment Study: Final Report \(HO15\)](#)
- The Housing Needs of Physically Disabled People (HO18)

Issue 10.1: Delivering Healthy Communities (Policies DEV1-DEV5)

Question 10.1(i)

Does the JLP make sufficient provision for inclusive design and accessible environments in accordance with paragraphs 57, 58, 61 and 69 of the Framework?

- 10.1 The JLP makes a good provision for inclusive design and accessible environments; more than meeting, and in accordance with, paragraphs 57, 58, 61 and 69 of the National Planning Policy Framework. Specific criteria based policies are included in the plan and allocation policies fully consider the issues of inclusive design and accessible environments.
- 10.2 Inclusive design and accessible environments are two elements that run through the policies of the Joint Local Plan. SPT1 and SPT2 ('Delivering sustainable development' and 'Sustainable linked neighbourhoods and sustainable rural communities') set the core fundamental approach and the principles upon which development is to be considered and '*...address the connections between people and places*' (NPPF, para 61) among other important design issues such as '*opportunities for meeting between members of the community...*' (NPPF, para 69).
- 10.3 Specific policies relating to '*...the integration of new development into the natural, built and historic environment*' (NPPF, para 61) are found in SPT 11 (Strategic approach to the natural environment), DEV3 (Sport and recreation), DEV4 (Playing Pitches), DEV5 (Community food growing allotments), DEV21 (Conserving the historic environment), DEV22 (Development affecting the historic environment), DEV23 (Cornwall and West Devon Mining Landscape World Heritage Site), DEV24 (Landscape character), DEV25 (Undeveloped Coast and Heritage Coast), DEV26 (Strategic Landscape Areas (Plymouth Policy Area)), DEV27 (Nationally protected landscapes), DEV28 (Protecting and enhancing biodiversity and geological conservation), DEV29 (Green and play spaces (including Strategic Green Spaces, Local Green Spaces and undesignated green spaces)).

- 10.4 Furthermore, accessibility for people with disabilities is required by point 2 of DEV1 (NPPF, para 58 and 69), design quality relating to the lifetime of the development (NPPF, para 58) is required by point 1 of DEV20 (Place shaping and the quality of the built environment). Points 2 and 3 of the same policy consider sense of place (NPPF, para 58). Point 4 of DEV 20 requires regard to the distinctive identity of local surroundings (NPPF, para 58). Point 6 of DEV 20 contribute towards community safety and reduction of fear of crime (NPPF, para 58 & para 69). Point 8 of DEV 20 contributes to legibility through key gateway locations and routes (NPPF, 69)
- 10.5 Specific decisions in the JLP relating to allocation policies fully consider inclusive design and accessible environments and introduce specific site based policies and requirements to meet those objectives where appropriate. For example PLY6 (Improving Plymouth's City Centre), PLY7 (Colin Campbell Court), PLY29 (Millbay waterfront).

Question 10.1(ii)

Should Policy DEV1 cover wider amenity issues and apply to residents rather than homes? Should it also apply to the amenity of workers and/or visitors? Is the policy sufficiently clear about when a Health Impact Assessment will be required?

- 10.6 Policy DEV1 is considered to be sound and seeks to 'safeguard the health and the amenity of local communities' (DEV1 main text, JLP submission July 2017) in accordance with Bullet 4, Paragraph 17 of the National Planning Policy Framework to 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'
- 10.7 The policy covers the wider amenity of all development (point 1 of DEV1), other than in the case of noise disturbance which is focused on the noise disturbance to homes. The issue of noise impacts are further expanded upon in Policy DEV2.
- 10.8 Nonetheless, we would be happy to accommodate some minor modifications following the consultation and, we have suggested a modification that provides a helpful clarification to the policy and expands the wording of point 1 to refer to 'other appropriate uses',

Ref M232. Furthermore, Policy DEV1 will be expanded upon by a supplementary planning document, as noted in the Policy.

10.9 It is appropriate to consider the amenity of residents, workers and visitors in the determination of planning applications (NPPF Para 17). Notwithstanding that the policy considers the amenity of local communities and of residents explicitly, considering the amenity of 'homes' (and 'other appropriate uses') will, by extension and convention, consider the amenity of those who live, work and visit there. The amenity of the people is what is ultimately important, but the amenity of the place is the related, tangibly linked and underpinning element that creates the amenity for people.

10.10 In our opinion, the policy is clear that a Health Impact Assessment is required for any development that is both a major development and an Environmental Impact Assessment is being submitted. 'Major' development is a specifically defined term and the need for an Environmental Impact Assessment is determined through the screening stage of the Environmental Impact Assessment Regulations 2017. Detailed information about what we would expect from a Health Impact Assessment can be included in the Supplementary Planning Document.

Question 10.1(iii)

Is Policy DEV2 clear on what it is trying to achieve and is it effective? Are any changes necessary for reasons of soundness on addressing such issues as air quality or light pollution?

10.11 Following the consultation, we have suggested a modification that provides a helpful clarification to the policy and expands the wording of point 2 to refer to avoiding the impact of development, Ref M232:

*'2. Where located in an Air Quality Management Area, **avoid or mitigate its impact through positively contributing towards the implementation of measures contained within air quality action plans and transport programmes, and through building design and layout which helps minimise air quality impacts.**'*

10.12 The policy achieves development that does not impact unacceptably on soil, air, water, [land], noise or [light] pollution or land instability. The opening paragraph gives the requirement for this consideration and the context for the paragraphs below it which

JLP Councils PSWDJLP Examination Hearing Statement – Matter 10

provide an expectation of how that is applied to specific topics. Developments will have to consider and meet the criteria set out in the numbered paragraphs of the policy.

10.13 Air quality is protected in the opening paragraph absolutely, where there is unacceptable harm. The policy specifically seeks avoidance or mitigation of impact regarding Air quality in point 1, and point 2 provides a further expectation of alignment with measures in air quality action plans.

10.14 Light pollution is only considered in the bullet point number 4, the wording of which is in line with NPPF paragraph 125.

10.15 Policy DEV2 is considered to be sound and achieves development that does not impact unacceptably on soil, air, water, land, noise or light pollution or land instability, in accordance with bullets 4 and 5 of Paragraph 109 and Paragraphs 112, 120-124 of the NPPF. The opening paragraph of DEV2 gives a requirement for consideration (including refusal for unacceptable development proposals) and a context for the paragraphs below it which provide a further expectation of how specific topics are protected. Developments will have to consider and meet the criteria set out in the numbered paragraphs of the policy.

10.16 Air quality is protected in the opening paragraph of DEV2, where there is unacceptable harm. The policy specifically seeks avoidance or mitigation of impact regarding air quality in point 1 in accordance with Paragraphs 109, 120 and 122 of the NPPF, and point 2 provides a further expectation of alignment with measures in air quality action plans in accordance with Paragraph 124 of the NPPF.

10.17 Nonetheless, we would be happy to accommodate a minor modification following the consultation and we have suggested a modification that provides a helpful clarification to the policy by expanding the wording of point 2 to refer to avoiding the impact of development on air quality, Ref M232, thereby reinforcing the already effective main text and point 1 of DEV2.

10.18 Light pollution is considered in point 4 of DEV2, the wording and effect of which is fully in line with NPPF paragraph 125.

10.19 Notwithstanding the above position, we would also be happy to accept further minor modifications to DEV2 that provide some

clarification to the Policy.

'Policy DEV2

Air, water, soil, noise, land and light pollution

Development proposals which will cause unacceptable on or off site harm to human health, the natural environment and general amenity by unacceptable levels of soil, air, water, noise or light pollution or land instability will not be permitted. Development should:...'

Question 10.1(iv)

Sport England suggests that reference should be made in appropriate policies to community use of educational buildings and facilities. Would this improve effectiveness of policies?

10.20 The JLP Councils consider that the plan is sound as drafted in so much as the policies as currently drafted do not preclude community use of educational buildings and facilities. However, we have identified a minor modification to policy DEV3 (EXC10A, M234), which should the Inspector be minded to agree, we consider could be made to improve the effectiveness of the policy by making explicit reference to bringing private and education related sports facilities into wider community use, in line with NPPF paragraph 70 bullet 1.

Issue 10.2: Delivering Quality Homes (Policies DEV9, DEV10 and DEV13)

Question 10.2(i)

The Written Ministerial Statement Planning Update March 2015 (WMS) sets out the government's national planning policy on the setting of technical standards for new dwellings. It states that the new optional national technical standards should only be required if there is an evidenced need and where their impact on viability has been considered. Policy DEV9 refers to the building regulations optional access standards M4 (2) (accessible and adaptable dwellings) and M4 (3) (wheelchair user dwellings), whilst Policy DEV10 refers to the internal space standard (Nationally Described Space Standard (NDSS)). Are Policies DEV9 and DEV10 consistent with the WMS? In particular:

- 10.21 In relation to DEV9 and the mobility standards, an explanation of how the needs of physically disabled people in Plymouth is set out in the document 'The Housing Needs of Physically Disabled People' This document has been added to the examination library. (HO18)
- 10.22 The impact of the access policies on viability was taken into account in the whole plan viability assessment that was carried out by PBA that evidenced that all proposed JLP policies were achievable in most Plymouth sites, apart from certain low value areas.
- 10.23 In relation to DEV10 and Nationally Described Space Standards (NDSS) evidence on the impact of using these standards is set out in "National Space Standards – Assessing the impact of adopting space standards" (HO10)
- 10.24 The report compared space standards for 20 recent consented sites with the NDSS. It showed that 39% of 2 beds and 56% of 3 beds were at least 5m² below NDSS, and therefore in the absence of other local size standards that have now been abolished, NDSS were needed to provide houses of adequate size to meet reasonable households' needs.
- 10.25 In terms of viability HO10 assessed the cost of applying NDSS to a sample number of developments to assess the financial impact of reducing development density. The report concluded that the viability impact of NDSS was modest across the city as a whole but did concede that in low value areas viability might be challenged.

a. The policies state that the standards apply across the plan area. Whilst document HO10 provides evidence for Plymouth, is there similar evidence for the rest of the plan area?

10.26 Yes, spreadsheets contained in Appendix A provide an assessment of the size of dwellings delivered in the last 2 years against the National Space Standards. In general it can be seen that the majority of affordable homes have been built below the prescribed space standards, and most 2 and 3 bed homes. These are the types of homes that are required to meet the needs of specific groups identified in DEV8 1(iii), namely young people, working families and older people wishing to retain a sense of self-sufficiency.

10.27 A clear trend has emerged that shows that the properties that exceed the space standards the most are detached 3, 4 and 5 bed dwellings. These properties are considered to be responding to a market demand rather than a housing need. In the highest value areas such as Salcombe, these dwellings are being built in excess of 100% above space standards, whilst all of the affordable homes on the same scheme were built below the prescribed standard. This does not represent an appropriate housing mix, and will not help meet the specific housing needs or address the affordability or access to housing problems typified in many parts of the TTV policy area.

b. Are the standards justified by robust evidence: on what basis have the proportion of dwellings and the size of schemes been determined?

10.28 This question relates to access standards in Part M. The policy is based on the in-house Housing Delivery Team needs report 'The Housing Needs of Physically Disabled People' (HO10).

10.29 The policy requirement of 2% only applies on schemes of 50 units and over because the scheme has to be at least 50 units before it can deliver 1 whole unit.

c. Is the use of the terms 'at least' and 'where possible' appropriate within the policies: does it provide certainty?

10.30 The use of the term 'at least' in policy DEV9 is intended to mean that developers will be expected to meet a minimum of 20% of dwellings on qualifying sites as M4(2) and 2% of dwellings on qualifying sites as M4(3), but that there is nothing to prevent developers from offering a higher proportion if they wish to do so.

d. Have the requirements taken account of other available accommodation such as extra care, sheltered, retirement homes, nursing/care homes etc?

10.31 The assessment of the impact of adopting the National Space Standards was based upon a sample of 20 planning applications across a range of recently consented schemes. It did not specifically take forms of specialist housing into account.

10.32 In the Disabled Housing Needs Report (HO18) the assessment method used for estimating housing need among wheelchair users was based upon methodology developed by Habinteg and London South Bank University, and the availability of affordable wheelchair accessible lettings in Plymouth are taken into account. A figure of 19 per annum has been used as available wheelchair accessible housing.

e. Have the impacts of applying the standards on the viability of schemes been adequately considered?

10.33 Yes, HO10 reports on NDSS and whole plan viability took the impact of both NDSS and Part M requirements into account.

10.34 In the Thriving Towns and Villages, analysis of housing developments shows that a number of schemes have been delivered above space standards, and in identified higher value areas, such as Totnes and the coastal belt. 100% affordable schemes within designated landscapes that typically experience higher land values have been delivered above space standards, such as at Bere Alston. Whilst viability on an individual site basis is difficult to predict as each site has its own characteristics and considerations, there is sufficient evidence across the sample size to demonstrate that housing can be delivered consistently above space standards without compromising scheme viability, or having an unduly negative affect on house prices or the affordability of smaller housing units as identified by DEV8 as being required to meet specific housing needs.

Question 10.2(ii)

The South West Devon Gypsy and Traveller Needs Assessment (2016) identifies a need for 3 pitches for Travellers in South Hams and 1 plot for travelling showpeople in Plymouth. There are no site allocations in the JLP for travellers and travelling showpeople to meet this need and instead a criteria based policy (DEV13) is included in the JLP. Is this approach justified?

10.35 Yes, the approach taken in the JLP is justified.

10.36 The evidence which justifies the JLP approach to Gypsy and Traveller Needs in the plan area is the Gypsy, Traveller and Travelling Showpeople Accommodation Assessment: Final Report (HO14). This Assessment concludes that there is a very low level of need across the whole plan area.

10.37 It is recognised that Local Plans should allocate sites to meet the needs of all groups. The JLP therefore allocates sites to meet development needs, but does not allocate sites of less than 0.25ha – as it is not considered appropriate or possible to identify all sites of this scale that could come forward during the plan period. Given the evidenced level of need for Gypsy, Traveller and Travelling Showperson pitches and plots, it would not therefore be consistent with its overall approach to allocating sites in the JLP, to allocate sites for single or small groups of pitches. Additionally, it is unlikely that a single pitch or plot would be attractive to the Gypsy, Traveller and Travelling Showpeople communities, as the community normally travel as groups. In particular, in Plymouth where the evidence suggests a need for one travelling showpersons plot, allocating just one plot would not be attractive to the community as by the nature of the activities of the community, travelling showpeople live in groups. It would be more effective to meet the needs as they arise by improving the existing travelling showpeople facilities in the city.

10.38 The JLP Authorities have conducted a search for potential sites to meet the needs of gypsies, travellers and travelling showpeople, and have found no opportunities to accommodate such a limited number of pitches. The Gypsies and Travellers and Travelling Showpeople Site Assessment Study: Final Report (HO15) assessed a number of potential sites. Broadley Park was the only site which was deemed appropriate. However, this site could accommodate 15 – 20 pitches and would therefore be a very significant oversupply in terms of addressing the current need identified. There were no suitable travelling show person plots found.

10.39 The JLP approach is therefore to use a criteria based policy to enable proposals for new pitches to come forward. This approach has been effective in the past, in situations where the community itself has brought forward additional plots on existing sites or new sites. South Hams District Council has recently granted planning permission for two Gypsy and Traveller pitches, close to Ivybridge. This planning decision was made on a criteria based policy which is the approach proposed in the JLP. In addition to this, South Hams District Council are in early discussions with landowners to discuss the potential opportunities that there may be for residential caravan sites to address the homeless need for caravan dwellers, who do not meet the legal definition of 'traveller' in the area.

Question 10.2(iii)

Why does Policy DEV13 not refer to gypsies? Is this justified and consistent with national policy? How would the Councils propose to deal with a potential application for a gypsy site should one come forward during the plan period?

10.40 The approach taken in policy DEV13 matches the approach set out in the national guidance "Planning Policy for Traveller Sites.", published in August 2015. This guidance refers to "Travellers Sites", and goes on to define Travellers in its glossary as "gypsies and travellers" and "travelling showpeople."

10.41 The Councils consider that DEV13 is consistent with the approach as set out in the national guidance. The JLP could be changed through a minor modification to bring it completely in line with the guidance, if the title of DEV13 were to be change to read "Consideration of Traveller Sites", and an entry was included in the Glossary to define Travellers as gypsies, travellers and travelling showpeople as is set out in the guidance.

10.42 Such a minor modification would make clear that DEV13 should be used to deal with any application for traveller sites, gypsy sites or travelling showpeople sites.

Question 10.2(iv)

Are the criteria in Policy DEV13 supported by evidence? Are they more restrictive than other policies in the JLP for other forms of housing development?

10.43 The criteria in policy DEV13 are completely based on the considerations set out in national guidance "Planning Policy for Traveller Sites", published in August 2015, and in particular the criteria set out in Policies B and C of that document (see extract in Appendix B).

10.44 Policy DEV13 also sets out in the preamble a reference to the Sustainable Linked Neighbourhoods and Sustainable Rural Community agendas. This ensures that the policy follows the 'golden thread' throughout the whole plan of ensuring that all development contributes to the creation of sustainable settlements and communities.

10.45 It is not therefore considered that the criteria in Policy DEV13 are more restrictive than other housing policies in the JLP.