

EAST LINDSEY LOCAL PLAN 2016 – 2031

EXAMINATION IN PUBLIC

Response to Inspector's Matters, Issues and Questions

Made on Behalf of KCS Developments Ltd
June 2017

MATTER 11 – THE BUILT ENVIRONMENT (POLICIES SP10 AND SP11)

Preamble

- 1.1 Barton Willmore is instructed by KCS Developments Ltd ('our Client') to submit responses to the Inspectors Matters, Issues and Questions following the submission of the East Lindsey Local Plan ('Local Plan') for examination. The Local Plan comprises two separate documents; the Core Strategy (CD107/CD108) which sets out the vision and strategic policies for growth and development in the district over the plan period and the Settlement Proposals Plan document (CD109/CD110) which contains site allocations and areas shown on the proposals maps which relate to the Core Strategy.
- 1.2 KCS Developments Ltd is a Leeds based development company who have a successful track record of promoting land through the Local Plan process and obtaining planning consents for residential developments throughout the Country.
- 1.3 Our Client's land interest in the district is land to the rear of Chestnut Drive, Louth (reference: LO311) which the Council identify as having a capacity for 275 dwellings and a potential affordable housing contribution of 30% (82 units). An outline planning application (Ref: N/092/01853/16) for the first phase of development of the site, which comprises of 100 units was approved at planning committee on 15th December 2016 subject to the completion of a Section 106 Agreement.
- 1.4 The Inspector has identified the main issue for this session to be:

"Are Policies SP10 and SP11 justified; effective; and consistent with national policy?"
- 1.5 Our response to the relevant questions in relation to Matter 11 are found below. We have had specific regard to the tests of soundness outlined in Paragraph 182 of the National Planning Policy Framework ("NPPF"); namely that for the policies of the Local Plan to be sound, they need to be justified, effective, positively planned and consistent with national policy.

1. Is it justified and/or necessary to require developments of *a//* dwelling houses to complete the place-making checklist? Would all the criteria be relevant to developments of just one dwelling house or other small-scale developments? Is proposed amendment ADM20 an additional/minor amendment or is it necessary to make the plan sound?

- 1.6 Our Client continues to strongly object to the requirement to undertake a place-making checklist and believes its inclusion is unsound on the basis of being unjustified, ineffective and inconsistent with national policy.

- 1.7 There is no requirement in national policy for such a checklist and its requirement is onerous and an additional burden upon developers. Consequently, it cannot be deemed to be an effective way in which to ensure housing delivery and high quality design of development.

- 1.8 Of major concern is the comment that “the Council will support development on design grounds that satisfy the checklist” (Clause 9 of Policy SP10). An arbitrary pro-forma should not be used as a tool to approve or refuse a planning application as is implied by the policy, each application should be considered on its own merits; especially when the topics covered by the checklist involve issues which are subjective in nature and open to interpretation by the decision maker. Indeed the NPPF emphasises that decisions should not attempt to impose architectural styles and particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

- 1.9 Furthermore, the checklist itself includes questions relating to landscaping and the historic environment and these matters are covered via separate standalone policies elsewhere within the Plan and so it is unnecessary to replicate such matters in the checklist. Indeed, we would advocate that the pre-application process is the correct avenue for discussing the design matters relating to a development, rather than the completion of an arbitrary pro-forma.

- 1.10 We note the amendment proposed by ADM20 but this only adds to the inconsistency of the policy requirement as Paragraph 14 of the Core Strategy now states that major development that does not lie within an existing industrial estate in the District ‘will be encouraged’ to satisfy the Council’s place-making checklist, whilst Policy SP10 itself highlights that the check list is mandatory and the Council’s support on design grounds is dependent on it.

- 1.11 As a result of this, and in order to ensure the policy is sound, we would seek the requirement for the place-making checklist to be removed altogether as we believe its inclusion is unjustified for all development, is ineffective and is inconsistent with the thrust of national policy.
2. Is the definition of "Gateway Sites" sufficiently clear that developers can be certain of whether or not a site-specific design brief is required? How could this be strengthened to ensure effectiveness?
- 1.12 Clause 10 of Policy SP10 requires certain types of development to not only satisfy the place-making checklist, but also a site-specific design brief. This would include gateway sites into a settlement and applications on sites over 4 hectares. Our Client objects to this proposal as the Council consider a 'gateway' site to be "a site which lies at the entrance to a settlement and is therefore the first one that is seen on entering the built-up area". This definition is imprecise and could be open to interpretation. As such we currently regard it as being unsound on the basis of being unjustified and ineffective.
- 1.13 It is considered that if the Council wish to make reference to 'gateway' site, these should be defined within the Settlement Proposals DPD, to ensure that the interpretation is clear and beyond doubt. A checklist should also not be required in cases where a site-specific design brief has been produced. This will avoid unnecessary duplication.
3. The Council states that a traffic light system rather than a narrative approach to completing the checklist will avoid an onerous process. Will this provide enough detail for the process to be useful and effective?
- 1.14 We do not believe that the checklist is justified and so cannot support its inclusion (see our response to Question 1 above). Irrespective of this, the use of a traffic light system could potentially be less onerous, although the definition of what constitutes 'Green', 'Amber' and 'Red' would be open to interpretation and its use does not address the issue that many of the criteria on the checklist are subjective.

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- 1.15 Our Client does not have any specific comments in relation to these questions at this time, however they reserve the right to comment on them further should it affect their land interests.