

SOUTH DERBYSHIRE DISTRICT COUNCIL

Regulation 14 Consultation:

Hilton, Marston and Hoon Neighbourhood Development Plan – Draft Plan

Consultation feedback from SDDC, NDP group comments on feedback, and actions taken

General comment

The plan period needs to be clarified and stated within the Plan itself: Page 13 of the Plan states that residents were given the opportunity to express their opinion for housing delivery for the period 2028 to 2035, however the Plan does not specifically set out the plan period. The AECOM Housing Needs Assessment states that the Neighbourhood Development Plan (NDP) period is 2016 – 2035, therefore the comments below are made on this basis.

Action: Plan period to be put on front cover.

Policy H1

The Hilton (South Derbyshire) Housing Needs Assessment (HNA) – June 2019 states that the Housing Needs Figure over the plan period (2016 -2035) is 839 dwellings for the Neighbourhood Area.

The HNA references housing completions within the neighbourhood plan area from 1 April 2011 to 31 March 2017. South Derbyshire's Local Plan (from hereon called the Local Plan) allocates two housing sites within the Neighbourhood Area, Land at Hilton Depot (Policy H7) for 485 dwellings and Derby Road, Hilton (Policy H23C) for around 43 dwellings. By the end of March 2017, 35 dwellings had been completed on housing allocation H7; Derby Road (H23C) has consent for 45 dwellings.

Whilst the draft Hilton NDP allocates two sites to include housing, H1A and H1B, these proposed allocations, taken together with the two Local Plan housing allocations, will not provide sufficient housing to meet the identified need of 839 dwellings by 2035 set out in the HNA. Subtracting the 45 new build completions during 2016/17 leaves 794 dwellings needed in the NA by 31 March 2035. Subtract the 8 dwellings proposed by draft policy H1B, the 45 dwellings permitted at H23C, and remainder of the H7 Local Plan allocation and the residual need is 291 dwellings, which will clearly be in excess of what would come forward on the proposed H1A allocation. If the above calculation is worked through using the 57 dwellings currently proposed by way of a planning application on H1B (Lucas Lane), the unmet need figure drops to 242 dwellings.

The National Planning Policy Framework states at paragraph 13 that *“Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.”* Basic condition (d) as highlighted in the Planning Practice Guidance requires that *“the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.”* For the Hilton NDP to extend beyond the Local Plan period requires the NDP to meet the identified housing need for that period in order for it to be fit for purpose and comply with the basic conditions.

A further basic condition, basic condition (e), requires that any NDP must be in general conformity with the strategic policies of the development plan. The draft NDP policy H1 restricts new residential development to that which has been allocated within the Local Plan, proposed allocations H1A and H1B or is a brownfield site within the settlement boundary (defined in the Local Plan). However, policies H1 and SDT1 of the Local Plan, both strategic policies, allow greenfield development within settlement boundaries (subject to other Local Plan policies) and Policy H1 allows exception or cross-subsidy sites up to 25 dwellings outside of settlement boundaries within Key Service Villages, of which Hilton is one. Exception or cross-subsidy sites can be located on greenfield land. As such, draft NDP policy H1 is not in general conformity with the Local Plan's strategic policies.

Comment: The NPSG did not consider the Housing Needs Assessment of AECOM to meet the requirement of paragraph 14 of the NPPF in providing 'objectively assessed needs'. It is also noted that in their comments, SDDC have not included the development for 34 dwellings that are currently under construction on the site known as the Mandarin. The NPSG reviewed their proposed policies against Paragraph 13 of the NPPF and concluded that they did meet the test of sustainable development.

It is stated that policy SDT1 is strategic, although it is noted that in Local Plan part 2, it is described as a Development Management policy. The NPSG reviewed their proposed policies against the strategic policies of the Local Plan and did not believe there was any conflict.

The NPSG decided to remain with their own objectively assessed housing needs.

Action: No action

Policy H1A

Policy H1A requires the provision of specialist accommodation along with retail units. The National Planning Practice Guidance for Neighbourhood Planning states:

"Neighbourhood plans may also contain policies on the contributions expected from development, but these and any other requirements placed on development should accord with relevant strategic policies and not undermine the deliverability of the neighbourhood plan, local plan or spatial development strategy. Further [guidance on viability](#) is available." Paragraph: 005 Reference ID: 41005-20190509.

Draft policy H1A requires a minimum of 10 and maximum of 20 sheltered bungalows to be built on the Mease site. It is unclear whether these bungalows are required as affordable dwellings or whether they are for the private sector. Demand for sheltered bungalows within the existing Council stock has reached equilibrium; a small number of bungalows within developments may be supported on sites, but 20 in one locality would be difficult to let if they were a rented product.

The Independent Examiner appointed to examine the NDP may query the viability of the proposed policy, to ensure that the policy is realistic, together with the basis for the specifying of a minimum of seven ground floor units.

The requirement of a minimum of 25% of sheltered bungalows complying to M4 (3) standard, goes beyond the requirements of building regulations and would require viability testing. The emerging Strategic Housing Market Assessment for the District would indicate that this percentage is too high; the evidence will recommend 5-10% where viable.

With regard to the residential care home of up to 40 beds, this is contrary to the Derbyshire Accommodation Strategy, adopted by the Council's Housing Committee, which shows an oversupply of care homes within the District. It appears that the NDP bases the need for the residential care home on the neighbourhood survey, however the evidence from AECOM's HNA shows a need for specialist accommodation, including sheltered housing and extra care, with no mention of a need for care home placements. **So?** Evidence suggests a need for 77 units of specialist accommodation (sheltered and extra-care) but notes this does not need to be within the Neighbourhood Area.

It should be noted that whilst the HNA sets out that affordable housing split includes entry level market homes, starter homes and entry level market rent, these are not in line with the Affordable Housing SPD which only supports affordable/social rent and shared ownership.

Comment: The comments by SDDC are not understood in the context of bungalows within the Designated Area. The last sheltered housing bungalows built in Hilton were 24 in the 1960's when the population of Hilton was a fraction of what it is today. The partially quoted paragraph above also states: "Plans should be prepared positively, in a way that is aspirational but deliverable". The NPSG believe this to be the case.

For the avoidance of doubt, the flats proposed are not ground floor units.

The policy on M4(3) standard bungalows was derived from the County Council policy.

The comment on care homes appeared confusing. On the day of writing these comments the care homes in South Derbyshire had an occupancy of 93%. The projection produced by the NPSG appears more realistic and supports the policy on care homes.

Action: No action

Policy H1B

The draft NDP policy H1B requires a low density housing development of up to 8 dwellings along with the provision of allotments, a community orchard, woodland and a community farm based on the existing farm buildings. The National Planning Policy Framework states that planning policies should "*support development that makes efficient use of land*" taking into account a list of criteria (paragraph 122). The current planning application on the Lucas Lane site is for up to 57 dwellings and it is queried therefore whether the density proposed in Policy H1B is the most appropriate for the site in question.

Comment: The NPSG believes the proposed use of the Lucas Lane site in the draft Plan meets paragraph 122 of the NPPF as it is protecting a community asset and providing amenities that have been previously overlooked, but identified as a need from the residents.

Action: No action

Policy H2: Housing Mix

Page 55 of the HNA states: “Currently, the supply of homes in terms of size and demand for homes are in broad alignment. However, due to significant demographic shifts that are forecast over the Plan period, an appropriate policy response is needed to support the delivery of smaller dwellings of 2-3 habitable rooms.” Therefore the evidence in the HNA does not appear to support the proposed policy.

The need to focus on delivering 2-3 bedroom homes is strengthened by the evidence found in the Hilton Area Neighbourhood Development Plan survey. Furthermore, a greater focus is needed on delivering 1-bedroom homes, although the majority of homes delivered should still be 2 or 3 bedroom homes. An appropriate housing split, as supported by the HNA, would be as follows:

1 bedroom: 10%

2 bedrooms: 30%

3 bedrooms: 50%

4+ bedrooms: 10%”

As drafted, policy H2 provides a different housing split to that recommended in the HNA. The difference in approach will need to be justified, particularly the percentage of 4+ bedrooms proposed within the policy compared to that within the HNA. Similarly, the expectation that 25% of all housing developments of five or more should be bungalows needs to be justified.

Action: the mix was reviewed and the NPSG agreed a new mix as in the draft Plan

Policy H3: Requirements of housing: Residential car parking

The policy goes beyond the requirements of the Local Plan and 6C’s Design Guide standards.

Comment: It is noted that this policy is supported by the County Council

Action: No action

Policy T1: Active Travel

A suggestion for strengthening this policy would be: New development should, where available, link up to existing walking and cycling routes and public transport.

Action: Agreed

Policy T2: Access to schools

Is the intention for this policy to apply to *all* new developments, or all new *housing* developments?

Action: *Agreed to clarify to apply to 'housing'.*

Policy E1: Green Spaces

As drafted, policy E1 is not in conformity with Policy BNE8 in the Local Plan, nor the emerging Local Plan policies in the Local Green Spaces Plan. These Local Plan policies, together with the NPPF, do not restrict all development within Local Green Spaces.

It is unclear whether the second sentence of policy E1 is in regard to Local Green Spaces or referring to all new development outside of Green Spaces.

Comment: It is noted that the NPPF states that Local Green Spaces should endure beyond the end of plans.

Action: *Agreed to bring the policy into conformity with BNE8 and to clarify as suggested.*

Policy E2: Retaining Village Identity

The Local Plan contains policies detailing the circumstances in which development outside of settlement boundaries within Rural Areas will be granted.

Policy E3: Community Land

To which development proposals is this policy intended to apply? Perhaps the following policy wording would meet the NDP's intention: "The provision of community gardening, orchards and allotments will be supported."

Action: *Agreed. Amend as suggested.*

Policy E5: Biodiversity

The first two sentences of the policy appear to state the same requirement – no net loss of biodiversity.

The Hilton Nature Reserve is a SSSI; a nationally important site. Local Wildlife Sites are sites of County importance. Paragraph 175 of the NPPF sets out principles to be applied when determining applications where proposals could affect habitats and biodiversity.

Action: *Agreed. Amend to clarify.*

Policy L1: Recreational facilities

The requirement for infrastructure and developer contributions is set out within Policy INF1 of the Local Plan. The proposed policy L1 requires that developer contributions will be sought on new residential developments to fund sport and play facilities. South Derbyshire 'Section 106 Agreements: Guide for developers' requires that developer contributions will be sought from residential development exceeding 4 dwellings and sets out the amount of contribution required.

'Section 106 Agreements: Guide for developers' requires that contributions are collected for three types of recreation; open space, outdoor facilities and built facilities. It is not fully clear from drafted policy what type of contributions will be required. The first and last paragraph appears to differ in meaning; the first paragraph requires that developer contributions will be sought from new residential development to fund sport and play facilities, whereas the last paragraph states, "...provision for a range of outdoor activities and sports will be encouraged".

Action: No action

L2: Healthcare facilities

The requirement for infrastructure and developer contributions is set out within Policy INF1 of the Local Plan. Proposed policy L2 requires that developer contributions will be sought "to improve the quality and accessibility of health and social facilities including integrated community health facilities". South Derbyshire 'Section 106 Agreements: Guide for developers' requires that developer contributions will be sought from residential development exceeding 4 dwellings. When this threshold has been met, the NHS Derby and Derbyshire Clinical Commissioning Group would then be consulted to establish the required contribution from the development.

Planning obligations can only be sought to assist in mitigating the impact of unacceptable development to make it acceptable in planning terms (PPG Planning Obligations Paragraph: 002 Reference ID: 23b-002-20190901). It would therefore be beyond the law to collect contributions from all development where proposals do not impact upon healthcare provision.

Comment: Noted but it is a given that all policies will comply with the law.

Action: No action

Policy L3: Hilton Village shopping centre development

The specific policy requirements may hinder potential development opportunities. The developments supported by the policy can be supported in principle, thereby allowing, for example, for a retail proposal of six units.

Comment: For the avoidance of doubt, the policy is for 7 retail units.

Policy B1: Business Units

The first sentence states the phrase "within the existing settlement area". Does this mean within the settlement boundary? It would be helpful to define to which B use classes is the policy intended to apply.

Action: Agreed. Policy amended as suggested

Policy B4: Broadband

Suggested policy wording: Where practicable, new development should be supported by full fibre broadband connections.

Action: Wording partially adopted

