
REPORT TO:	FULL COUNCIL	AGENDA ITEM: 9
DATE OF MEETING:	24th SEPTEMBER 2015	CATEGORY:
REPORT FROM:	DIRECTOR OF COMMUNITY AND PLANNING	OPEN PARAGRAPH NO:
MEMBERS' CONTACT POINT:	NICOLA SWOROWSKI (x5983) nicola.sworowski@south-derbys.gov.uk	DOC:
SUBJECT:	LOCAL PLAN PART 1 – UPDATE	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1.0 Recommendations

Subject to further consultation and assessment through an updated Sustainability Appraisal to agree in principle the following:

- 1.1 the addition of a strategic site to the Local Plan Part 1 for a site to the West of Mickleover that includes the New House Farm site and the site west of Ladybank Road for around 1,650 dwellings in the Local Plan Part 1 as a main modification; and
- 1.2 the drafted housing policy for the land west of Mickleover subject to any modifications agreed by the Director of Community of Planning, Leader of the Council and Chairman of the Environmental and Development Services Committee following the updating of the Sustainability Appraisal and/or further consultation.

2.0 Purpose of Report

- 2.1 The report is submitted to provide Members with an up to date position on the Local Plan Part 1 and to seek endorsement on an additional strategic site being considered through an updated Sustainability Appraisal and consultation.

3.0 Executive Summary

- 3.1 The report is seeking approval subject to consultation and assessment through an updated Sustainability Appraisal the addition of a further strategic site to the west of Mickleover. This site will include the sites referred to as New House Farm and land west of Ladybank Road. The site will be assessed for around 1,650 dwellings.
- 3.2 The Sustainability Appraisal will be updated and a further assessment of this site undertaken. This will be consulted upon for a period of six weeks before reconvened South Derbyshire specific hearings take place.

4.0 Detail

Background

- 4.1 South Derbyshire's Local Plan was suspended following hearings that started on 25th November 2014 and concluded on the 5th December 2014. Ms Kingaby, the Planning Inspector who is examining the Plan, felt further information was required in order to continue the examination into the Plan's soundness in regard to viability of the affordable housing target, site specific infrastructure requirements and also the five year housing supply. Ms Kingaby has allowed a period of suspension since December 2014 to allow for this work to be undertaken along with the Housing Market Area (HMA) work discussed in 3.3 below.
- 4.2 Ms Kingaby was quite specific that further consideration should be given to South Derbyshire's housing land supply in her letter of 16th December 2014 and that *"It may be necessary to identify additional sites for housing to provide a contingency and give more flexibility, in the event that development on sites requiring major new infrastructure do not proceed as rapidly as predicted. As long as the need for any additional sites is modest, and does not undermine the spatial strategy for the District, this should be acceptable. A number of potential strategic sites have been identified in representations to the Examination and the Council may wish to re-consider these"*.
- 4.3 There was also additional work required at a Housing Market Area level that resulted from the joint hearing session held by South Derbyshire's Inspector and Amber Valley Borough Council's (AVBC) Inspector. This work resulted in an addendum to South Derbyshire's Sustainability Appraisal that included a joint piece of work between the three Authorities for Derby's capacity cap and how Derby's unmet need could be met across South Derbyshire and AVBC.
- 4.4 Derby's unmet housing need has been further clarified as 5,388 dwellings through the HMA Sustainability Appraisal joint work. This work forms part of the Sustainability Appraisal Addendum and is currently being consulted on and finishes on the 12th October. Whilst still subject to the consultation, it does identify a preferred option for meeting Derby's unmet needs in South Derbyshire and Amber Valley which is based on the proportion of growth identified through the Housing Requirements work. However, this position could change as responses are received and the Inspectors give their considerations to the work through a joint hearing session.
- 4.5 The time taken to reach this point has meant that a further year of completions has been included in the housing supply. There were 420 net completions in the year 2014/15 which is 306 dwellings less than the annualised requirement before taking into account additional buffer requirements.
- 4.6 In order to rectify this situation and allow for the Local Plan Part 1 to be found sound, it is considered that a further additional strategic housing site is required in Part 1 whilst still retaining the Part 2 sites of 600 dwellings.
- 4.7 Members will recall that a reserve site policy was considered through the Draft Local Plan consultation which considered that one of New House Farm, Lowes Farm and Woodville Regeneration Area could be included in the Local Plan as a reserve site should a further site be required. This policy was not included in later iterations of the Plan. Woodville Regeneration site was included in the Plan. Lowes Farm has

transport concerns that so far have not been addressed. New House Farm has now been tested through a section 78 appeal where a Planning Inspector considered two applications (two different highways solutions) both for 300 dwellings and granted them both permission. The appeal was in relation to part of a larger site that has been promoted to the Local Plan for around 1,650 dwellings in total.

4.8 When considering the application for the development of the portion of the site at appeal, the Planning Committee's two areas of concern were landscape and highways and the impact that these would have on the local area. The highways issues were concerned with how the site was to be accessed via either a roundabout or a signal controlled junction. Notwithstanding that the signalised junction proposal was also a concern to the County Council as Highway Authority, the Inspector allowed both appeals.

4.9 In regards to the impact on the surrounding landscape, the Inspector considered this both through evidence submitted at a public inquiry but also on a site visit. The following quotes are directly from the Inspectors report (dated 18th August 2015) who also dismissed the landscape case:

"I would not disagree with the general descriptions in the character assessments summarised above, but it is also important to note that the edge of Mickleover/Derby is directly adjacent to the site, and therefore when standing on the site or viewing it from a distance there is a clear feeling that one is on the fringe of an urban area. There is a disagreement between the parties as to whether the existing edge of the housing possesses a 'hard' or 'soft' edge – to my mind, the houses in Mickleover are clearly visible and give a hard edge to the settlement."

"However the broader landscape is well able to accommodate this change, and this is not a sufficient reason to dismiss the appeal."

"In addition, there are a relatively small number of public receptors who would experience this change from the near distance. Longer distance views from the west, northwest and north (including footpaths/cycle routes) would also change although, from those directions, the appeal site is seen in part against a backdrop of existing urban development. The consequence of the proposal would be to move the urban edge (which could be softened by new planting) into the countryside."

4.10 This site along with others has been kept under review and there has been no material change in any other site than this one which has now been tested on appeal albeit that the appeal related to a smaller site, in a detailed way.

4.11 In the light of the decisions from the section 78 Inspector and the remarks made by the Local Plan Inspector in her letter of 16 December, it is suggested that the entirety of this site is considered through a Sustainability Appraisal assessment and consultation.

4.12 New House Farm has been promoted throughout the Local Plan process and was considered as a non-preferred site due to the impacts on the A38 corridor. This resulted from Highways England responses which preferred not to see considerable development to the west of the A38. Since the submission on the Local Plan interim improvements have taken place on the two principal junctions on the A38 in Derby (Markeaton and Little Eaton). This was alongside the Government's commitment, subject to confirmation of value for money and deliverability, that it will deliver the grade-separation of the two junctions along with improvements at Kingsway with implementation by 2021. The site will not be wholly delivered before that date. Since

the initial promotion of this site there are now two developers involved; one that will account for 1,400 dwellings and the other the remaining 250 dwellings. This alongside the fact that 300 dwellings have been granted permission will allow for some early delivery on the site that will help boost the five year housing supply position.

- 4.13 This site will offer a sustainable form of development to the west of Derby City. Due to the size of the site a new primary school will be required with consideration also to be given to part of the site for a new secondary school or significant contributions to an existing school in South Derbyshire. The development will also include a District Centre with shops and community facilities (GP Surgery and community building) plus public open space as both informal and formal along with structured landscaping particularly along the western boundary of the site. There will also be consideration given to how the site will be best served by a new or extended bus route plus pedestrian and cycle links and in particular links to the Sustrans route along the old railway line to the north of the site. The site will deliver affordable homes and South Derbyshire's target of 30% was agreed by the developer and the Inspector at the appeal.
- 4.14 A draft Housing policy has been written for the site to be included in the Local Plan Part 1 alongside the other strategic housing sites. This may require modifying as discussions continue with the developers of the site, although any changes would be subject to approval (see recommendation 1.2). As undertaken with the Boulton Moor site in the Local Plan, it will be recommended to the developer that a development brief/framework is considered for the site that includes a vision for the whole of the urban extension and guiding development principles. Once written and agreed then it will help ensure consistency as applications are received across the site.
- 4.15 If this report is approved then the Sustainability Appraisal will be updated and consulted upon for a period of six weeks. Following this South Derbyshire specific hearings will be reconvened where any issues raised through the consultation will be discussed. Following the hearings then a further consultation on the modifications will be undertaken which the Inspector receives a copy of the responses. The Inspector will then write a report as to whether the South Derbyshire Local Plan Part 1 is sound or not.
- 4.16 An update of the 5 year housing supply position will be undertaken prior to the hearings and submitted as the most up to date evidence.

5.0 Financial Implications

- 5.1 None arising directly from this report.

6.0 Corporate Implications

- 6.1 A lack of an up to date Local Plan has the potential to impact on themes within the Corporate Plan as the Local Plan sets out development requirements up to 2028. An adopted Local Plan is a corporate priority as it will provide the Council with a clear plan for development and provide a robust defence in terms of planning appeals.

7.0 Community Implications

- 7.1 An adopted Local Plan will ensure that development across the District is achieved in as sustainable manner as possible and in a way that provides the infrastructure of community facilities for both the new residents but also existing residents.

8.0 Background Papers

- 8.1 Submission Local Plan Part 1 (August 2014)
- 8.2 Sustainability Appraisal Main Report (July 2014)
- 8.3 Sustainability Appraisal Main Report – Non Technical Summary (July 2014)
- 8.4 Sustainability Appraisal Main Report – Technical Appendices (July 2014)

Appendix

- 1 West of Mickleover Map
- 2 Draft housing policy for West of Mickleover