

Briefing Note

Our ref 23744/01/MHE/Dcr
Date 30 April 2019
To Ms Sarah Housden (c/o Mr Ian Kemp)
From Lichfields
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Subject **MAIN MATTER 6 - Whether or not the proposed housing allocations are soundly based and deliverable, whether other housing policies are soundly based and whether a 5-year supply of land can be provided on adoption and throughout the plan period**

WORD COUNT – 1219

- 1.1 We write on behalf of our joint client, Commercial Estates Projects ('CEP') and Hallam Land Management ('HLM'), in response to Main Matter 6 of the 'Main Matters, Issues and Questions' which form part of the forthcoming examination of the Mansfield District Local Plan.

Issue – Is the housing site selection process based on a robust assessment against relevant criteria?

Question 2: Are the reasons for selecting allocated sites and rejecting others clearly set out and justified?

- 1.2 No – While the Plan identifies the northern parcel of Penniment Farm as a commitment to deliver 430no. dwellings, reflective of planning permission 2010/0805/ST, granted in 2012, it should also be designated as an allocation. The reasons for not including Penniment Farm as an allocation are not clear or justified. The commitment reflects that the principle of development has already been established by the 2012 planning permission, but it fails to reflect the most recent application (ref. 2018/0552/OUT) which is awaiting determination for 600no. dwellings.

- 1.3 The development of 600no. dwellings on the site would make a significant contribution to the housing supply in Mansfield. Allocating the site would assist the Council in complying with paragraph 67 of the revised National Planning Policy Framework (NPPF, 2019) which states that:

“Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:

- A) Specific, deliverable sites for years one to five of the plan period; and*
- B) Specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.”*

- 1.4 In light of paragraph 67 of the NPPF and the limitations of Policy H2 we consider that the site should be allocated for 600no. dwellings under Policy H1. There is no justified reason for not

including the site as an allocation. The allocation of the site would reflect the combined number of residential units now planned for the site. There is currently a pending outline planning application (ref. 2018/0552/OUT) for 400no. dwellings as part of Phases 2, 3 and 4 awaiting determination and the proposal is policy compliant. As such the proposal is moving towards a positive determination imminently. Once approved, this will be delivered alongside the 202no. dwellings that have already been granted reserved matters approval on Phase 1a. A 600no. unit housing allocation for the site addresses the most recent planning history and development proposal going forward.

Issue – Will the plan provide an appropriate choice and mix of housing to meet the needs of different groups in the community? (Policies H3, H4, H5 & H6)

Question 8: Is the provision in Policy H5 for at least 5% of the dwelling plots on sites of more than 100 dwellings to be provided for self-build or custom build homes appropriate and what evidence justifies the threshold of 100 dwellings? What evidence is available to demonstrate the level of interest in these types of dwellings?

- 1.5 No – Policy H5 is unduly onerous and is not consistent with the requirements of the NPPF. We discuss the issues with Policy H5 in turn below.
- Soundness*
- 1.6 Paragraph 61 of the NPPF states:
*“...the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (**including, but not limited to**, those who require affordable housing, families with children, older people, students, people with disabilities, services families, travellers, people who rent their homes and **people wishing to commission or build their own homes**).”* (our emphasis).
- 1.7 The NPPF does not set a target for delivery of self-build homes but acknowledges that planning policy should reflect the different sizes, types and tenures of housing needed by different groups in the community. The 5% self-build requirement set out in Policy H5 needs to be justified by a clearly evidenced need.
- 1.8 In the context of the above, we have reviewed the Council’s evidence base to seek justification of the 5% self-build requirement. We note that the Council refer to the Mansfield Nottingham Outer Strategic Housing Market Assessment (2015), Whole Plan and Community Infrastructure Levy Viability Assessment (2018), and the Mansfield self-build and custom house building registers within Table 5.7 ‘Policy H5 Supporting Information’, as the evidence documents informing the policy. However, upon review we note that the Mansfield Nottingham Outer Strategic Housing Market Assessment (2015) concludes that the demand for self-build housing is difficult to quantify and limited to approximately 51 individuals who have expressed interest in custom build properties. This is an extremely low level of interest and does not translate into a justification for a 5% requirement for self-build housing on all housing developments. There is no evidence to support the 5% self-build requirement which appears to be an arbitrary figure and, cognisant of this, we do not consider the policy to be sound or consistent with the NPPF.

Practical Implementation

- 1.9 Notwithstanding the above, the adoption of Policy H5 will have ramifications for the practical delivery of housing within Mansfield and it is ambiguous as to how a decision maker would apply the policy.
- 1.10 For example, there are practical issues with how the policy would be implemented on outline or hybrid planning applications. It is entirely unclear how the provision of 5% self-build housing will be secured on an outline consent. If outline consent was granted but Reserved Matters and delivery were subject to a phased approach it is unclear as to whether each RM would be subject to a 5% requirement or whether the requirement would be triggered in the first phase of development. It is not clear how the land for the self-build plots would be secured or how infrastructure requirements would be determined or delivered. The lack of clarity on these considerations could have significant ramifications on the delivery of new homes in Mansfield and could result in substantial delays and additional costs to both the Council and developers.
- 1.11 The clause in the Policy H5 which allows market housing to be delivered if a self-builder has not come forward after 12 months of advertising does not make clear whether the implementation of market housing requires a new planning application or Reserved Matters approval. If a new application is required, this would have implications for housing mix and affordable housing in terms of the size of dwellings and location on the site.
- 1.12 It is not apparent how the Council will calculate or secure the S106 contributions in relation to self-build plots (including education and open space contributions), given that the size and occupancy of self-build dwellings can vary dramatically. These practical issues do not appear to have been given any consideration yet could have a significant impact on the delivery of development and future occupiers of the site.

Conclusion

- 1.13 Cognisant of the lack of evidence to support the policy alongside the significant issues we have identified in terms of practical implementation of the policy (both in terms of planning and physical delivery on site), we consider the policy to be unsound and a substantial risk to delivery of sustainable development in Mansfield. Policy H5 should therefore be deleted in its entirety.