

Response ID ANON-13H4-7YPF-6

Submitted to Melton Local Plan Pre-Submission Draft
Submitted on 2016-12-19 16:32:13

About you

1 What is your name?

Name:
Lilian Coulson

2 What is your email address?

Email:

3 Are you responding as an individual, consultee, stakeholder or other?

Agent

If Consultee, Stakeholder, or Other, please give details here. :
Planning consultant acting for landowner

4 Address

5 Age

Please select your age:

Policy SS1 - Presumption in favour of Sustainable Development

1 CH4PSS1Q1: Do you consider that Policy SS1 is?

Do you consider that Policy SS1 - Legally Compliant::
Yes

Do you consider that Policy SS1 - Sound::
Yes

Do you consider that Policy SS1 - Complies with Duty to Co-operate:
Yes

2 CH4PSS1Q2: If answered "No" to "2: Sound" please answer the following question. Do you consider that the Policy is unsound because it is not?

3 CH4PSS1Q3: Please give details of why you consider Policy SS1 is not legally compliant or is unsound or fails to comply with the Duty to Co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of Policy SS1 or its compliance with the Duty to Co-operate, please use this box to set out your comments.

Please insert text here. :

4 CH4PSS1Q4: Please set out what change(s) you consider necessary to make the Melton Local Plan legally compliant or sound, having regard to the test you have identified at 2 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this change will make the Melton Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as

precise as possible.

lease set out what change(s) you consider necessary to make the Melton Local Plan legally compliant or sound:

Policy SS2 – Development Strategy

1 CH4PSS2Q1: Do you consider that Policy SS2 is?

Do you consider that Policy SS1 - Legally Compliant::

Yes

Do you consider that Policy SS1 - Sound::

Yes

Do you consider that Policy SS1 - Complies with Duty to Co-operate:

Yes

2 CH4PSS2Q2: If answered "No" to "2: Sound" please answer the following question. Do you consider that the Policy is unsound because it is not?

3 CH4PSS2Q3: Please give details of why you consider Policy SS2 is not legally compliant or is unsound or fails to comply with the Duty to Co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of Policy SS2 or its compliance with the Duty to Co-operate, please use this box to set out your comments.

Please insert text here. :

Support the Plan providing for a minimum of 6125 homes and some 51 hectares of employment land between 2011 and 2036 in Melton Borough. As a minimum this provides some flexibility if further need is identified or allows suitable sites that accord with policy to be additionally brought forward in due course. It states that 65% should be provided in the main town of Melton Mowbray and 35% in the Service Centres and Rural Hubs on a proportionate basis. This is again supported to provide for the longer term needs and sustainability and economic viability of these medium and smaller settlements, with proportionate distribution allowing for the needs of each settlement's population to be met. In particular, the allocation of enough land in the Service Centres will allow each to fulfil its designated role in the longer term.

Furthermore, we support the pragmatic and positive spirit of the policy which will permit additional windfall small sites to come forward by allowing Small Scale Unallocated Development of the size specified in the policy. This will again help retain viability and life in the smaller settlements on suitable sites and accords with the spirit and guidance contained in the NPPF for sustainable development. It is suggested that some flexibility be built in should a nominal increase in numbers be proposed (eg a site may be suitable for 12 rather than 10 houses in a Service Centre, for example) and it is suggested that the word 'around' be added, as this would tie in with the flexibility already shown by allocating the provision of a minimum of 6125 homes in the first place.

4 CH4PSS2Q4: Please set out what change(s) you consider necessary to make the Melton Local Plan legally compliant or sound, having regard to the test you have identified at 2 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this change will make the Melton Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

lease set out what change(s) you consider necessary to make the Melton Local Plan legally compliant or sound:

Please see proposed minor amendment in Q3 above.

Policy SS3 – Sustainable Communities (unallocated sites)

1 CH4PSS3Q1: Do you consider that Policy SS3 is?

Do you consider that Policy SS1 - Legally Compliant::

Yes

Do you consider that Policy SS1 - Sound::

Yes

Do you consider that Policy SS1 - Complies with Duty to Co-operate:

Yes

2 CH4PSS3Q2: If answered "No" to "2: Sound" please answer the following question. Do you consider that the Policy is unsound because it is not?

3 CH4PSS3Q3: Please give details of why you consider Policy SS3 is not legally compliant or is unsound or fails to comply with the Duty to Co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of Policy SS3 or its compliance with the Duty to Co-operate, please use this box to set out your comments.

Please insert text here. :

As stated for policy SS2, we support the pragmatic and positive spirit of policy SS3 which will permit additional windfall small sites to come forward by allowing

Small Scale Unallocated Development of the size specified in the policy. This will again help retain viability and life in the smaller settlements on suitable sites and accords with the spirit and guidance contained in the NPPF for sustainable development. It is suggested that some flexibility be built in should a nominal increase in numbers be proposed (eg a site may be suitable for 12 rather than 10 houses in a Service Centre, for example) and it is suggested that the word 'around' be added, as this would tie in with the flexibility already shown by allocating the provision of a minimum of 6125 homes in the first place.

The policy's criteria requirements reflect good planning practice in expecting any developments to provide planning benefit and no detrimental harm, weighing up economic and environmental implications of the proposals, as required by the NPPF's sustainability credentials. These are the same criteria that should have been used to assess the proposed allocations and it is reasonable for smaller sites to meet the same standards, so long as they are reasonably examined when applications are submitted. The level of information required to support such an application must be proportionate to the proposal so as not to adversely affect smaller applicants.

4 CH4PSS3Q4: Please set out what change(s) you consider necessary to make the Melton Local Plan legally compliant or sound, having regard to the test you have identified at 2 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this change will make the Melton Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

lease set out what change(s) you consider necessary to make the Melton Local Plan legally compliant or sound:

Policy C1 (A) – Housing Allocations

1 CH5PC1(A)Q1: Do you consider that Policy C1 (A) is?

Do you consider that Policy SS1 - Legally Compliant::

No

Do you consider that Policy SS1 - Sound::

No

Do you consider that Policy SS1 - Complies with Duty to Co-operate:

No

2 CH5PC1(A)Q2: If answered "No" to "2: Sound" please answer the following question. Do you consider that the Policy is unsound because it is not?

1) Positively Prepared, 2) Justified, 3) Effective

3 CH5PC1(A)Q3: Please give details of why you consider Policy C1 (A) – Housing Allocations is not legally compliant or is unsound or fails to comply with the Duty to Co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of Policy C1 (A) – Housing Allocations or its compliance with the Duty to Co-operate, please use this box to set out your comments.

Please insert text here. :

Policy SS2 sets out the Development Strategy, which is meant to be translated here into allocations. Yet it is noted that for Bottesford, one of the designated Service Centres, the policy shows that there is a settlement requirement for 427 houses, yet land is only allocated for 405 dwellings. As the development strategy provides for a minimum of 6125 homes in the distribution contained in the policy (ie on a proportionate basis), there is no justification for any under-provision in any of the settlements and therefore policy C1(A) is unsound as it does not accord with policy SS2. A further housing allocation is required in Bottesford to make up this known shortfall before the Plan can be found sound. Any over provision in any other settlement purely reflects that the Plan makes provision for a minimum no of dwellings and does not allow for under provision elsewhere.

4 CH5PC1(A)Q4: Please set out what change(s) you consider necessary to make the Melton Local Plan legally compliant or sound, having regard to the test you have identified at 2 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this change will make the Melton Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

lease set out what change(s) you consider necessary to make the Melton Local Plan legally compliant or sound:

As stated above, a further site is needed to be allocated in Bottesford to make up the known shortfall and allow the policy to be found sound and consistent with other policies in the Plan. My client's land adjacent to 8 Easthorpe Road, Bottesford, has previously been proposed to the Council as a housing allocation and would be developable and deliverable at an early date. It is sustainably located and could deliver real planning benefits for the Service Centre, including vital linkages to the heart of the town centre as well as much needed homes. Furthermore, the allocation of this additional site would provide choice and assist in meeting local housing needs in the short term, especially as it is immediately available for development.

I attach the previous submission made to the Council which now needs to be passed to the Inspector for consideration. This site could meet all of the criteria contained in the policy. Whilst located within ENV4 Area of Separation, this is no different from the currently allocated sites BOT1, BOT2, EAST1 and EAST2 and consistent consideration of the policy must be applied if it is to be a sound material consideration. This site is already surrounded on the north and east by existing housing, and the development of BOT2 will contain its west side. The additional allocation of this site would be entirely consistent with the allocation of BOT2 and together they would provide a defensible edge to the settlement and the Area of Separation, as well as make up the known housing shortfall in this important Service Centre. It could provide additional planning benefits with a well designed scheme that potentially could provide some public amenity / open space as well

as provide an improved sustainable link into the main town centre to the west.

Policy C1 (B); Reserve Sites

1 CH5PC1(B)Q1: Do you consider that Policy C1 (B); Reserve Sites is?

Do you consider that Policy SS1 - Legally Compliant::

No

Do you consider that Policy SS1 - Sound::

No

Do you consider that Policy SS1 - Complies with Duty to Co-operate:

No

2 CH5PC1(B)Q2: If answered "No" to "2: Sound" please answer the following question. Do you consider that the Policy is unsound because it is not?

1) Positively Prepared, 2) Justified, 3) Effective, 4) Consistant with National Policy

3 CH5PC1(B)Q3: Please give details of why you consider Policy C1 (B); Reserve Sites is not legally compliant or is unsound or fails to comply with the Duty to Co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of Policy C1 (B); Reserve Sites or its compliance with the Duty to Co-operate, please use this box to set out your comments.

Please insert text here. :

Policy C1(B) is considered sound in that the principle of reserve sites is supported, but is found unsound in that the statement regarding settlement assessment and capacity is incorrect and unfounded. The policy states that there are no Reserve Sites available in Bottesford. Together with the under provision of allocated sites in policy C1(A) to meet the distribution set out in policy SS2, the lack of Reserve Sites here in many of the settlements where there are suitable sites available is particularly frustrating and perpetuates the unsoundness and lack of consistency of application of the stated objective and underlying policy of the Plan (ie policy SS2).

As stated in the representation regarding C1(A), my client's land adjacent to 8 Easthorpe Road, Bottesford, has previously been proposed to the Council as a housing allocation and would be developable and deliverable at an early date. It is sustainably located and could deliver real planning benefits for the Service Centre, including vital linkages to the heart of the town centre as well as much needed homes. Furthermore, the allocation of this additional site would provide choice and assist in meeting local housing needs, especially as it is immediately available for development. So whilst it should be allocated in the short-term, as a fallback it should be allocated as a Reserve Sites which would have the additional benefit of providing a buffer should one of the allocated sites not come forward within the timescale anticipated and thus allow the Plan's housing needs to be met.

4 CH5PC1(B)Q4: Please set out what change(s) you consider necessary to make the Melton Local Plan legally compliant or sound, having regard to the test you have identified at 2 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this change will make the Melton Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

lease set out what change(s) you consider necessary to make the Melton Local Plan legally compliant or sound:

My client's land at Bottesford should be allocated as Reserve Site (if not as an allocation) as outlined above.

Policy C4 – Affordable Housing Provision

1 CH5PC4Q1: Do you consider that Policy C4 is?

Do you consider that Policy SS1 - Legally Compliant::

No

Do you consider that Policy SS1 - Sound::

No

Do you consider that Policy SS1 - Complies with Duty to Co-operate:

2 CH5PC4Q2: If answered "No" to "2: Sound" please answer the following question. Do you consider that the Policy is unsound because it is not?

1) Positively Prepared, 2) Justified, 3) Effective, 4) Consistant with National Policy

3 CH5PC4Q3: Please give details of why you consider Policy C4 is not legally compliant or is unsound or fails to comply with the Duty to Co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of Policy C4 or its compliance with the Duty to Co-operate, please use this box to set out your comments.

Please insert text here. :

I am extremely concerned as to whether the target of 37% affordable housing on sites of more than 11 or more dwellings is viable and therefore legally compliant. The policy would not be sound if it was intended to be used in a way that the majority of sites have to undertake a viability assessment to prove that the full affordable requirement cannot be met. As per CIL, whilst the need may be there, the affordable housing policy target must be set in a way that will provide community benefit whilst at the same time be viable for most developments to proceed (ie unless there are exceptional circumstances). This in particular would be burdensome to smaller developers and landowners where the cost of a planning application is expensive, without the additional costs and risk of a viability assessment being required in the majority of cases.

I would ask the Inspector to coordinate with the HBF and other larger planning consultants / housebuilders / landowners to ensure that the target included in the policy takes account of the CIL rate to be adopted by the Council to ensure that sites allocated are not inhibited to come forward by any viability concerns that the affordable target is undeliverable and the uncertainty this would cause.

4 CH5PC4Q4: Please set out what change(s) you consider necessary to make the Melton Local Plan legally compliant or sound, having regard to the test you have identified at 2 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this change will make the Melton Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

lease set out what change(s) you consider necessary to make the Melton Local Plan legally compliant or sound:

See response to Q3 above

Policy EN3 – The Melton Green Infrastructure Network

1 CH7PEN3Q1: Do you consider that Policy EN3 is?

Do you consider that Policy SS1 - Legally Compliant::

Yes

Do you consider that Policy SS1 - Sound::

Yes

Do you consider that Policy SS1 - Complies with Duty to Co-operate:

Yes

2 CH7PEN3Q2: If answered "No" to "2: Sound" please answer the following question. Do you consider that the Policy is unsound because it is not?

3 CH7PEN3Q3: Please give details of why you consider Policy EN3 is not legally compliant or is unsound or fails to comply with the Duty to Co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of Policy EN3 or its compliance with the Duty to Co-operate, please use this box to set out your comments.

Please insert text here. :

We support the principle of the policy as it encourages good practice and the retention and enhancement of green infrastructure in the local environment. If worked in a positive way in conjunction with policy ENV4 (see our comments below), this could result in positive enhancements to the environment as part of development proposals and these opportunities should be exploited as part of good design wherever practicable.

As referred to in our submission on policies C1(A) and C1(B), sites where such benefits can be accrued such as at my client's land adjacent to 8 Easthorpe Road, Bottesford, these opportunities to create new greenspace and improved safer footpath / cycle linkages for the benefit of the wider community should not be ignored and policies that encourage such opportunities must be a material consideration when assessing the benefits of such proposals in due course.

4 CH7PEN3Q4: Please set out what change(s) you consider necessary to make the Melton Local Plan legally compliant or sound, having regard to the test you have identified at 2 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this change will make the Melton Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

lease set out what change(s) you consider necessary to make the Melton Local Plan legally compliant or sound:

Policy EN4 – Areas of separation

1 CH7PEN4Q1: Do you consider that Policy EN4 is?

Do you consider that Policy SS1 - Legally Compliant::

Yes

Do you consider that Policy SS1 - Sound::

No

Do you consider that Policy SS1 - Complies with Duty to Co-operate:

Yes

2 CH7PEN4Q2: If answered "No" to "2: Sound" please answer the following question. Do you consider that the Policy is unsound because it is not?

2) Justified, 3) Effective

3 CH7PEN4Q3: Please give details of why you consider Policy EN4 is not legally compliant or is unsound or fails to comply with the Duty to Co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of Policy EN4 or its compliance with the Duty to Co-operate, please use this box to set out your comments.

Please insert text here. :

The problems with soundness relate not so much to the policy itself but to its application and its interpretation on the proposals map. There is clear inconsistency where the policy could be used to refuse applications on windfall sites which are otherwise policy compliant, yet applications on equivalent sites which are allocations would be supported by planning policy officers. Examples are proposed allocations BOT1, BOT2, EAST1, EAST2, and BOT5 to name only those located within the proposed Bottesford and Easthorpe Area of Separation.

For policies to be sound they must be precise and capable of being consistently applied. When considering the examples of allocations stated here, there is every reason to assume any new proposals within these areas will be rejected, despite the precedent of the proposed allocations within the Area of Separation. Therefore the policy will not be positively prepared if it not to be applied positively and consistently. Therefore the Areas of Separation as shown on the proposals maps and the policy itself need to be reviewed and reworded to maintain the positive spirit that it is intended to be used in.

4 CH7PEN4Q4: Please set out what change(s) you consider necessary to make the Melton Local Plan legally compliant or sound, having regard to the test you have identified at 2 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this change will make the Melton Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

lease set out what change(s) you consider necessary to make the Melton Local Plan legally compliant or sound:

Please see Q3 above

Policies Maps

1 PMQ1: Do you consider that the Policies Maps are?

Do you consider that Policy SS1 - Legally Compliant::

Do you consider that Policy SS1 - Sound::

No

Do you consider that Policy SS1 - Complies with Duty to Co-operate:

2 PMQ2: If answered "No" to "2: Sound" please answer the following question. Do you consider that the Policy is unsound because it is not?

2) Justified, 3) Effective

3 PMQ3: Please give details of why you consider that the Policy Maps are not legally compliant or unsound or fail to comply with the Duty to Co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Policy Maps or their compliance with the Duty to Co-operate, please use this box to set out your comments.

Please insert text here. :

For the reasons outlined in representations on other policies, the proposals map appertaining to Bottesford requires amendment. I have already outlined how inadequate housing land is allocated to meet the requirements of the overriding policy SS2 when it is translated down to settlement specific proposals in C1(A) and also C1(B). Also whilst policies ENV3 and ENV4 describe the Area of Separation between Bottesford and Easthorpe as something to be preserved and not built upon, various housing allocations are 'washed over' by this Zone which makes its purpose less certain. Additional clarification is required on these matters for the Plan to be found sound and its policies justified and effective for the foreseeable future.

If my client's land at Bottesford - a relatively small site of 1.57 ha - were to be added to the proposals map as a housing allocation (with the expectation that it would provide a well designed housing development in character with the rest of the Service Centre) this would satisfy many of the concerns raised. I will provide additional information on the site by separate email (as previously provided in response to the Melton SHLAA 2016) for the Inspector's assistance and consideration.

4 PMQ4: Please set out what change(s) you consider necessary to make the Melton Local Plan legally compliant or sound, having regard to the test you have identified at 2 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this change will make the Melton Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

lease set out what change(s) you consider necessary to make the Melton Local Plan legally compliant or sound:
Please see response to Q3 above

5 PMQ5: Please indicate which Policy Maps your response relates to.

If multiple please indicate on separate lines for each. :
Bottesford and Easthorpe

Examination

1 EXQ1: Can your representation seeking a change be considered by written representations or do you consider it necessary to participate at the oral part of the examination?

Written Representations

If you wish to speak at examination, please outline why you consider this to be necessary::

I reserve my position for my client to be represented in due course at the Examination should further more detailed information be required to assist this representation. This may possibly be required should a potential developer wish to be involved in the land (by an Option Agreement, for example).

2 EXQ2: Moreover please indicate if you wish to continue to be involved in the Local Plan (Please tick appropriate boxes).

If you wish to be notified at the address/e-mail provided when the Melton Local Plan is submitted to the Secretary of State for Communities & Local Government, If you wish to be notified at the address/e-mail provided when the Inspector's Report is available to view, If you wish to be notified at the address/e-mail provided in Part A when the Melton Local Plan is adopted, If you/your organisation wish to be included in future consultations on the Melton Local Plan

Acknowledgement

1 I understand the above statement and agree I have complied with its requirements

I agree

