

Publication Draft Representation Form 2014

For Official Use Only
Person ID:
Rep ID:

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- **Part A – Personal Details**
- **Part B – Your Representations**

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Part A - Personal Details

	1. Personal Details*	2. Agent's Details (if applicable)
	<small>* If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in section 2.</small>	
Title		Mrs
First Name		Jane
Last Name		Gardner
Job Title (where relevant)		Director of Planning
Organisation (where relevant)	William Davis Limited and Hallam Land Management	Marrons Planning
Address Line 1		1 Meridian South
Address Line 2		Meridian Business Park
Address Line 3		Leicester
Address Line 4		
Postcode		LE19 1WY
Telephone number		0116 281 6949
Email address		jane.gardner@marrons-planning.co.uk

3. Notification of subsequent stages of the Local Plan

Please specify whether you wish to be notified of any of the following:

The submission of the Local Plan for independent examination	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Publication of the recommendations of any person appointed to carry out an independent examination of the Local Plan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
The adoption of the Local Plan.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

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Part B - Your Representations

Please note: this section will need to be completed for each representation you make on each separate policy.

4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA:

Local Plan

Paragraph Number:

Policy Number:

H2

Policies Map Number:

5. Do you consider the Local Plan is :

5.1 Legally Compliant?

Yes

No

5.2 Complies with the Duty to Co-operate?

Yes

No

5.3 Sound?

Yes

No

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified:

Effective:

Consistent with National Policy:

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7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Policy H2 advises that on sites of 10 or more dwellings in the urban area or on sites of 5 or more dwellings in the rural area, residential development will not be permitted unless provision is made for a minimum of 40% affordable housing.

Hallam Land Management/William Davis have a number of concerns about this policy, which they consider in its present form is inconsistent with the advice in paragraph 50 of the NPPF and on that basis is unsound.

a. Bullet point 3 of paragraph 50 in the NPPF advises on the policies for affordable housing in Local Plans. It states, inter-alia, that such policies should be sufficiently flexible to take account of changing market conditions over time.

It is considered that by including in Policy H2 the expression that on all qualifying sites, a minimum of 40% of the new housing must be affordable, then there will be flexibility in the application of the policy over time. If market conditions for the development of land for new homes fall back from those currently experienced securing the provision of at least 40% of the new homes as affordable on any one site, may render a development proposed unviable, particularly if a CIL regime is introduced in the District, which will fix other contributory costs towards infrastructure provision.

cont'd on separate sheet

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (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 modification will make the 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.

In order to make Policy H2 more consistent with the advice on the NPPF and to reflect the findings about housing need in the 2013 SHMA, the first paragraph of policy should be modified as follows, in order to make it sound.

“Residential development on the following sites will not be permitted unless provision is made for affordable housing

(a) within the urban areas, sites of 10 or more dwellings, or 0.3 hectares or more in area irrespective of the number of dwellings; and

(b) within the rural areas, sites of 5 or more dwellings, or 0.17 hectares in area irrespective of the number of dwellings..

The means of provision either on-site, off-site or via a contribution of broadly equivalent value will be the subject of agreement with the Council.

Affordable Housing will comprise in the order of 37% of the overall scale of provision on any qualifying site, subject, as appropriate, to sustaining the viability of the overall scheme and as agreed with the Council.”

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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Response to Q7 continued

The policy, as presently drafted, is insufficiently flexible to allow for such future circumstances arising over the plan period. Our clients are of the view that any headline percentage level of provision as may be included in the policy should form the basis for a “negotiated” ultimate level of affordable housing for each site to which the policy will apply. That is in their view the intention of the advice in the NPPF.

- a. The Coventry and Warwickshire Strategic Housing Market Assessment, 2013, forms part of the evidence base for the plan. It has estimated that the future net annual need for affordable homes is of the order of 268 dwellings per annum. This represents 37% of the overall annual requirement for new homes, as set out in Policy DS6 ($268 \div 714 \times 100$ and noted in para 4.11). It is considered that since this forms part of the Objectively Assessed Need on which the plan is based then it should form the basis for affordable housing provision as set out in Policy H2.
- b. Our clients note that in paragraph 4.13 of the plan the Council advise that following recent housing finance reforms, the Council has a “healthy business plan” for the acquisition and construction of new affordable homes. In establishing any headline percentage for the provision of such homes on appropriate development sites, it is considered therefore that the figure should take into account the Council's contribution to the overall provision, via the above noted activities. It is appropriate that any business plan as referred to should be taken into account in negotiations for the provision of affordable homes on qualifying sites.

9. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

This and other separate comments indicate that Hallam Land Management and William Davis Limited find that a number of the policies and proposals for the development of new homes and in relation to heritage matters are unsound. They also have concerns regarding the overall level of housing provision and the distribution of new homes as reflected in the strategic proposals. They therefore would wish to participate at the oral part of the examination in order to elaborate on their concerns and the necessary changes to the plan that flow from that.

Please note: This written representation carries the same weight and will be subject to the same scrutiny as oral representations. The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

11. Declaration

I understand that all comments submitted will be considered in line with this consultation, and that my comments will be made publicly available and may be identifiable to my name/organisation.

Signed:

Joe Gardner

Date :

25 June 2014

Copies of all the objections and supporting representations will be made available for others to see at the Council's offices at Riverside House and online via the Council's e-consultation system. Please note that all comments on the Local Plan are in the public domain and the Council cannot accept confidential objections. The information will be held on a database and used to assist with the preparation of the new Local Plan and with consideration of planning applications in accordance with the Data Protection Act 1998.

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	1. Personal Details*	2. Agent's Details (if applicable)
	<small>* If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in section 2.</small>	
Title		Mrs
First Name		Jane
Last Name		Gardner
Job Title (where relevant)		Director of Planning
Organisation (where relevant)	William Davis Limited and Hallam Land Management	Marrons Planning
Address Line 1		1 Meridian South
Address Line 2		Meridian Business Park
Address Line 3		Leicester
Address Line 4		
Postcode		LE19 1WY
Telephone number		0116 281 6949
Email address		jane.gardner@marrons-planning.co.uk

3. Notification of subsequent stages of the Local Plan

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4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA:

Local Plan

Paragraph Number:

Policy Number:

HE2

Policies Map Number:

5. Do you consider the Local Plan is :

5.1 Legally Compliant?

Yes

No

5.2 Complies with the Duty to Co-operate?

Yes

No

5.3 Sound?

Yes

No

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified:

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This policy is inconsistent with many of the principles set out in the NPPF, Chapter 12, not least because in seeking to protect unlisted buildings in a Conservation Area, the draft policy blurs the statutory distinction between listed and unlisted structures. In respect of this matter, the policy exceeds the Framework advice in paragraph 138, and gives rise to major inconsistencies with it.

Other parts of the policy operate a draconian presumption against many forms of development, leaving no room for the reasonable and flexible application of policy to deal with a range of circumstances, in line with the approach taken in the Framework at paragraphs 131 through to 134.

The policy, in our clients' view, requires extensive redrafting and simplification, the latter for presentation purposes.

The final part of the policy is not clear since it appears as a statement of intent by the Council. Whereas the rest of the policy sets out measures to control development.

In our clients' view, the policy, in its current wording, neither justified nor compliant with the NPPF.

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (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 modification will make the 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.

We consider that Policy HE2 should be redrafted as follows:

'Development in the setting of Conservation Areas will be expected to preserve their significance.

In determining applications for the change of use for listed buildings, the Council will have regard to the impact of such a use on the significance of the building taking into account the desirability of maintaining listed buildings in active use.

Unsympathetic alterations to or extensions of listed buildings will be discouraged, subject to the desirability of maintaining the building's original use or achieving its optimum viable use.

Consent for total demolition of unlisted buildings will only be granted where the design of the replacement either preserves or, where possible, enhances, the character or appearance of the Conservation Area.

New development within Conservation Areas should make a positive contribution to the local character and distinctiveness of the Conservation Area.'

Delete the last paragraph of the policy.

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11. Declaration

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Signed:



Date :



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Part B - Your Representations

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Local Plan

Paragraph Number:

Policy Number:

HE4

Policies Map Number:

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This policy refers to 'harm to the setting' of Parks and Gardens of Special Historic Interest included in the English Heritage Register or described as locally important historic parks or gardens. The policy lists a range of attributes (e.g. structure, character). These can only ever be partial and so this will lead to uncertainty in the application of the policy.

Ultimately, the policy seeks to conserve 'significance' which may or may not be expressed in any of the physical characteristics or associations of a site.

The NPPF makes clear, and is supported in the National Planning Practice Guidance, that setting is not an asset. It is valuable to the degree it enables appreciation of special interest. Setting, the policy states, may also make a positive contribution to significance, a negative one or none at all.

The policy also exceeds the intention of both statute and paragraph 133 of the Framework in offering a blanket ban on development causing substantial harm. Whilst, clearly, such harm is exceptional, the national policy does contemplate situations where development may be desirable for some other planning reasons. Accordingly, as worded, the policy introduces potential conflict and uncertainty in its practical application.

Finally, it is considered that the use of the verb 'should' in the second part of the policy is unclear.

The policy as worded does not accord with the advice in the NPPF and is therefore unsound. It should be reworded as set out in Q8 below

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Policy HE4 should be redrafted as follows:

'Development will not normally be permitted if it would result in substantial harm to the significance of Parks and Gardens of Special Historic Interest included in the English Heritage Register, as defined on the Policies Map. Changes in the setting of Registered Parks will be assessed in relation to their impact on their particular significance. Development that would cause less than substantial harm to the significance of these assets, either directly or in their setting, will be considered weighed against the public benefits of the proposal, including securing optimum viable use.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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Brunswick Healthy Living Centre , 98-100 Shrubland Street, Royal Leamington Spa
Finham Community Library , Finham Green Rd, Finham, Coventry

Where possible, information can be made available in other formats, including large print, CD and other languages if required. To obtain one of these alternatives, please contact 01926 410410.

Part A - Personal Details

	1. Personal Details*	2. Agent's Details (if applicable)
	<small>* If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in section 2.</small>	
Title		Mrs
First Name		Jane
Last Name		Gardner
Job Title (where relevant)		Director of Planning
Organisation (where relevant)	William Davis Limited and Hallam Land Management	Marrons Planning
Address Line 1		1 Meridian South
Address Line 2		Meridian Business Park
Address Line 3		Leicester
Address Line 4		
Postcode		LE19 1WY
Telephone number		0116 281 6949
Email address		jane.gardner@marrons-planning.co.uk

3. Notification of subsequent stages of the Local Plan

Please specify whether you wish to be notified of any of the following:

The submission of the Local Plan for independent examination	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Publication of the recommendations of any person appointed to carry out an independent examination of the Local Plan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
The adoption of the Local Plan.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

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Person ID:

Rep ID:

Part B - Your Representations

Please note: this section will need to be completed for each representation you make on each separate policy.

4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA:

Local Plan

Paragraph Number:

Policy Number:

HE5

Policies Map Number:

5. Do you consider the Local Plan is :

5.1 Legally Compliant?

Yes

No

5.2 Complies with the Duty to Co-operate?

Yes

No

5.3 Sound?

Yes

No

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified:

Effective:

Consistent with National Policy:

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Rep ID:

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Hallam Land Management and William Davis Limited (HLM/WD) consider that the wording of this policy is inconsistent with the principles set out in Chapter 12 of the NPPF.

In seeking to protect unlisted buildings, the policy blurs the statutory distinction between listed and unlisted structures. The policy therefore exceeds the advice in paragraph 135 of the NPPF and results in major inconsistencies with it.

Other parts of the policy operate a draconian presumption against the demolition or loss of significance of a non-designated heritage asset.

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (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 modification will make the 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.

The policy, as worded, does not accord with the Framework and so should be amended to read as follows:

“Development that will lead to the demolition or loss of significance of a locally listed historic asset will be assessed in relation to the scale of harm or loss and the significance of the asset.

The Council will support change to locally listed historic assets using traditional detailing and using traditional methods.”

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

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9. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

This and other separate comments indicate that Hallam Land Management and William Davis Limited find that a number of the policies and proposals for the development of new homes and in relation to heritage matters are unsound. They also have concerns regarding the overall level of housing provision and the distribution of new homes as reflected in the strategic proposals. They therefore would wish to participate at the oral part of the examination in order to elaborate on their concerns and the necessary changes to the plan that flow from that.

Please note: This written representation carries the same weight and will be subject to the same scrutiny as oral representations. The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

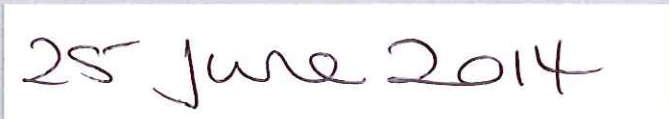
11. Declaration

I understand that all comments submitted will be considered in line with this consultation, and that my comments will be made publicly available and may be identifiable to my name/organisation.

Signed:



Date :



Copies of all the objections and supporting representations will be made available for others to see at the Council's offices at Riverside House and online via the Council's e-consultation system. Please note that all comments on the Local Plan are in the public domain and the Council cannot accept confidential objections. The information will be held on a database and used to assist with the preparation of the new Local Plan and with consideration of planning applications in accordance with the Data Protection Act 1998.

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