

Response ID ANON-4BMN-AHBY-N

Submitted to **Broughton and Dalby - Reg 16 Consultation**

Submitted on **2017-08-29 11:34:13**

About you

1 What is your name?

Name:

Matthew Fox

2 What is your email address?

Email:

matt.fox@rpsgroup.com

3 Please select the type of respondee you are responding on behalf of below (tick all that apply)

Developer (B), Landowner (B)

If you selected 'B', please give additional information here, including who you represent, if applicable:

Hortons' Estate Ltd

4 Address

Address:

RPS
Highfield House
5 Ridgeway
Quinton Business Park
Birmingham

Postcode:

B321AF

5 If you are responding on behalf of a client or organisation, please put their address below.

Address:

Care of RPS

Postcode:

B321AF

6 All consultations are made available for public view. Personal information such as address and email will not be published with your response. Please confirm you understand and agree to this, by ticking the box below.

Yes, I agree to publish my response

Representation 1

1 Would you like to submit a representation?

Yes

Representation Form 1

1 Please indicate which part of the submitted Neighbourhood Plan or supporting documents this representation relates.

Which document does this representation relate - (for example Submission Plan, Policy Map, etc). :

Submission Plan

Page Number (if applicable). :

Paragraph/Policy (if applicable) :

Foreword

2 Do you believe that this policy/section of the Neighbourhood Plan:

Do you believe that this Neighbourhood Plan. - Meets European obligations.:

Yes

Do you believe that this Neighbourhood Plan. - Has regard to national planning policies.:

No

Do you believe that this Neighbourhood Plan. - Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans:

No

Do you believe that this Neighbourhood Plan. - Contributes to the achievement of sustainable development.:

Yes

Do you :

Object to this policy/part of the plan

Comments:

The Foreword states that the Neighbourhood Plan covers the period 2017-2036. We assume that 2017 reflects the envisaged date of adoption (although this is not made explicit) and 2036 has been selected as an end date to align with the emerging Melton Local Plan. However, the latter document actually proposes to cover the period 2011 to 2036.

In order that the Neighbourhood Plan is in general conformity with the strategic policies of the emerging Local Plan it should cover the same plan period; 2011-36. This is important in relation to monitoring the Parish's past and future housing and employment development, and how this relates to the wider needs and requirements of the Borough as set out in the emerging Melton Local Plan. Indeed, Section 6.2.2 concerning "Housing Provision" refers to the housing allocation within the emerging Local Plan and refers to completions and commitments since 2011.

Please suggest any amendments to the plan/policy here. :

In order that the Neighbourhood Plan is in general conformity with the strategic policies of the emerging Local Plan it should cover the same plan period; 2011-36

3 Please upload a file for supporting evidence below.

File upload:

No file was uploaded

Representation 2

1 Would you like to submit another representation?

Yes

Representation Form 2

1 Please indicate which part of the submitted Neighbourhood Plan or supporting documents this representation relates.

Which document does this representation relate - (for example Submission Plan, Policy Map, etc). :

Submission Plan

Page Number (if applicable). :

14

Paragraph/Policy (if applicable) :

4.1

2 Do you believe that this policy/section of the Neighbourhood Plan:

Do you believe that this Neighbourhood Plan. - Meets European obligations.:

Yes

Do you believe that this Neighbourhood Plan. - Has regard to national planning policies.:

Yes

Do you believe that this Neighbourhood Plan. - Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans:

Yes

Do you believe that this Neighbourhood Plan. - Contributes to the achievement of sustainable development.:

No

Do you :

Object to this policy/part of the plan

Comments:

The vision on page 14 refers to a "...significant mainly light industrial presence...".

Hortons' Estate Ltd is the owner of the Old Dalby Industrial Estate on Station Road. This was the former Army Base Storage and Distribution Agency (ABSDA) which now comprises a significant industrial estate of circa 17.7ha and which accommodates a range of businesses within warehouses and office buildings. The site was historically owned and occupied by the Ministry of Defence (MOD) and used for the manufacture and repair of military vehicles, machinery and equipment which would be classed as a general industrial use (B2). Moreover, following the site's transfer into private ownership it now benefits from a lawful use for warehousing and industrial purposes by virtue of planning permission Ref. 00/00117/REV which was granted by Melton Borough Council in 2000. The description of lawful use is not limited to "light" industrial uses (B1(c) Use Class) but rather permits B1 offices, B8 storage and distribution and B2 "general" industrial uses (in addition to a D2 social club) (a condition provides specific uses for specific buildings).

Having regard to the historic and lawful use of Old Dalby Industrial Estate, the references to "mainly light" industrial use on page 14 must be amended as it is factually incorrect and could lead to incorrect assumptions being made in the future about the lawful use of the site.

This lawful use is an important consideration for the proposed "reserve" housing site under Policy H2 which adjoins Old Dalby Industrial Estate. Indeed, the draft policy refers to the industrial units that "bound" the reserve housing site.

Please suggest any amendments to the plan/policy here. :

The words "mainly light" should be deleted from the first bullet point of 4.1.

3 Please upload a file for supporting evidence below.**File upload:**

No file was uploaded

Representation 3**1 Would you like to submit another representation?**

Yes

Representation Form 3**1 Please indicate which part of the submitted Neighbourhood Plan or supporting documents this representation relates.****Which document does this representation relate - (for example Submission Plan, Policy Map, etc). :**

Submission Plan

Page Number (if applicable). :

18

Paragraph/Policy (if applicable) :

6.1.1

2 Do you believe that this policy/section of the Neighbourhood Plan:**Do you believe that this Neighbourhood Plan. - Meets European obligations.:**

Yes

Do you believe that this Neighbourhood Plan. - Has regard to national planning policies.:

Yes

Do you believe that this Neighbourhood Plan. - Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans:

Yes

Do you believe that this Neighbourhood Plan. - Contributes to the achievement of sustainable development.:

Yes

Do you :

Object to this policy/part of the plan

Comments:

The second paragraph on page 18 refers to the proposed designation of Limits to Development for the villages/settlements but does not refer to the proposed Limit to Development for the Old Dalby Industrial Estate and Crown Business Park. This should be added for completeness.

Please suggest any amendments to the plan/policy here. :

The second paragraph on page 18 refers to the proposed designation of Limits to Development for the villages/settlements but does not refer to the proposed Limit to Development for the Old Dalby Industrial Estate and Crown Business Park. This should be added for completeness.

Representation 4

1 Would you like to submit another representation?

Yes

Representation Form 4

1 Please indicate which part of the submitted Neighbourhood Plan or supporting documents this representation relates.

Which document does this representation relate - (for example Submission Plan, Policy Map, etc). :

Submission Version

Page Number (if applicable). :

20

Paragraph/Policy (if applicable) :

Figure 3

2 Do you believe that this policy/section of the Neighbourhood Plan:

Do you believe that this Neighbourhood Plan. - Meets European obligations.:

Yes

Do you believe that this Neighbourhood Plan. - Has regard to national planning policies.:

Yes

Do you believe that this Neighbourhood Plan. - Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans:

Yes

Do you believe that this Neighbourhood Plan. - Contributes to the achievement of sustainable development.:

Yes

Do you :

Support this policy/part of the plan

Comments:

Hortons' Estate Ltd supports the proposed Limit to Development identified on Figure 3. This aligns with its landholding at the Old Dalby Industrial Estate and encompasses plots which are currently vacant but available for industrial/employment use so provides a rational area within which future use/development is justified (the emerging Melton Local Plan Proposals Map does not accurately reflect the boundary for Old Dalby Industrial Estate (Site Ref. EC3(vii))).

Please suggest any amendments to the plan/policy here. :

N/A

Representation 5

1 Would you like to submit another representation?

Yes

Representation Form 5

1 Please indicate which part of the submitted Neighbourhood Plan or supporting documents this representation relates.

Which document does this representation relate - (for example Submission Plan, Policy Map, etc). :

Submission Version

Page Number (if applicable). :

28

Paragraph/Policy (if applicable) :

H1

2 Do you believe that this policy/section of the Neighbourhood Plan:

Do you believe that this Neighbourhood Plan. - Meets European obligations.:

Yes

Do you believe that this Neighbourhood Plan. - Has regard to national planning policies.:

No

Do you believe that this Neighbourhood Plan. - Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans:

No

Do you believe that this Neighbourhood Plan. - Contributes to the achievement of sustainable development.:

No

Do you :

Object to this policy/part of the plan

Comments:

As drafted, Policy H1 is ambiguous because it does not clearly articulate the housing need position from the emerging Melton Local Plan. It is noted that some of this information is set out in the explanatory text but this is considered to be confusing and it is essential that it is clearly articulated in policy form for monitoring and implementation purposes. Policy H1 only refers to the residual requirement figure from the emerging Melton Local Plan (28 net additional dwellings) but should state the overall need figure because commitments may not come to fruition.

Please suggest any amendments to the plan/policy here. :

Policy H1 should be reworded along the following lines:

"The Revised Pre-submission Melton Local Plan requires Old Dalby village to deliver at least 36 net additional dwellings between April 2011 and March 2036. Between April 2016 and March 2017 planning permission was granted for 61 dwellings within Old Dalby village and 37 dwellings elsewhere within the Parish. Further housing will therefore be restricted to windfall development in line with Policy H3 until such time as the Parish's housing need increases or the housing commitments do not translate into actual dwelling completions."

Representation 6

1 Would you like to submit another representation?

Yes

Representation Form 6

1 Please indicate which part of the submitted Neighbourhood Plan or supporting documents this representation relates.

Which document does this representation relate - (for example Submission Plan, Policy Map, etc). :

Submission Version

Page Number (if applicable). :

p26

Paragraph/Policy (if applicable) :

6.2.2

2 Do you believe that this policy/section of the Neighbourhood Plan:

Do you believe that this Neighbourhood Plan. - Meets European obligations.:

Yes

Do you believe that this Neighbourhood Plan. - Has regard to national planning policies.:

No

Do you believe that this Neighbourhood Plan. - Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans:

No

Do you believe that this Neighbourhood Plan. - Contributes to the achievement of sustainable development.:

No

Do you :

Object to this policy/part of the plan

Comments:

The final paragraph on page 26 under 6.2.2 is confusing and appears to be inconsistent with Table 4 from the Pre-submission Melton Local Plan "Focused Change 1". The latter requires Old Dalby to deliver at least 36 dwelling between 2011 and 2036 whereas the former states figures of 29 and 28 dwellings. It is critical that the Neighbourhood Plan clearly articulates the housing need from the strategic policies of the emerging Local Plan.

Please suggest any amendments to the plan/policy here. :

The final paragraph on page 26 under 6.2.2 should be reworded to clearly align with Policy SS2 and Table 4 from the emerging Melton Local Plan.

Representation 7

1 Would you like to submit another representation?

Yes

Representation Form 7

1 Please indicate which part of the submitted Neighbourhood Plan or supporting documents this representation relates.

Which document does this representation relate - (for example Submission Plan, Policy Map, etc). :

Submission Version

Page Number (if applicable). :

29

Paragraph/Policy (if applicable) :

H2

2 Do you believe that this policy/section of the Neighbourhood Plan:

Do you believe that this Neighbourhood Plan. - Meets European obligations.:

Yes

Do you believe that this Neighbourhood Plan. - Has regard to national planning policies.:

Yes

Do you believe that this Neighbourhood Plan. - Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans:

Yes

Do you believe that this Neighbourhood Plan. - Contributes to the achievement of sustainable development.:

No

Do you :

Support this policy/part of the plan subject to modifications

Comments:

The "Reserve Site" directly adjoins Old Dalby Industrial Estate. Mindful that the Estate includes industrial and warehousing uses it is important that any residential development on the adjoining site does not threaten the continued operation of the industrial estate through potential amenity impact complaints from any future residents (e.g. noise and air issues). Hortons' Estate Ltd has formally objected to the pending outline planning application (Ref. 17/00397/OUT) proposing 80 dwellings on this site given that this level of development would involve dwellings being constructed directly adjoining the boundary between the two sites. Old Dalby Industrial Estate has no restrictions on hours of operation so there is potential for future residents to be affected by potential noise and air impacts in such close proximity. However, as a lawful existing use it is the responsibility of the Borough Council and developer to ensure that appropriate mitigation is delivered to safeguard future residents.

It is, therefore, essential that this policy includes clear requirements for any residential development to deliver appropriate mitigation to safeguard against any amenity impacts potentially arising from the lawful and continued operation of the businesses within the industrial estate.

Please suggest any amendments to the plan/policy here. :

The final criterion (d) should be reworded as follows:

"appropriate mitigation will be required to safeguard future residents' amenity from the lawful and continued operation of the businesses within the adjoining industrial estate."

Representation 8

1 Would you like to submit another representation?

Yes

Representation Form 8

1 Please indicate which part of the submitted Neighbourhood Plan or supporting documents this representation relates.

Which document does this representation relate - (for example Submission Plan, Policy Map, etc). :

Submission Version

Page Number (if applicable). :

30

Paragraph/Policy (if applicable) :

H3

2 Do you believe that this policy/section of the Neighbourhood Plan:

Do you believe that this Neighbourhood Plan. - Meets European obligations.:

Yes

Do you believe that this Neighbourhood Plan. - Has regard to national planning policies.:

No

Do you believe that this Neighbourhood Plan. - Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans:

No

Do you believe that this Neighbourhood Plan. - Contributes to the achievement of sustainable development.:

No

Do you :

Object to this policy/part of the plan

Comments:

Policy H3 allows for appropriate windfall development within the Limits to Development of Old Dalby, Nether Broughton and Queensway. The view is taken that this policy should be made more flexible to allow for potential windfall development within the defined Limit to Development identified for the Old Dalby Industrial Estate.

Policy EC3 of the emerging Melton Local Plan recognises that there will be instances where existing employment sites will become obsolete and provides criteria to allow alternative uses such as residential windfall development. This is in accordance with national planning policy relating to alternative uses on employment sites (NPPF para. 22). It is therefore entirely appropriate for Policy H3 to allow for potential windfall development on any surplus/obsolete employment land at Old Dalby Industrial Estate given that it comprises accessible previously-developed land. Obviously, any such proposals would be subject to addressing the criteria within Local Plan Policy EC3 and other policies within the Neighbourhood Development Plan.

Please suggest any amendments to the plan/policy here. :

Policy H3 should be reworded as follows:

"Small residential development proposals within the Limits to Development will be supported...

a) Comprises a restricted gap in the continuity of existing buildings or on other sites within the built-up area where the site is closely surrounded by buildings;..."

Representation 9

1 Would you like to submit another representation?

Yes

Representation Form 9

1 Please indicate which part of the submitted Neighbourhood Plan or supporting documents this representation relates.

Which document does this representation relate - (for example Submission Plan, Policy Map, etc). :

Submission Version

Page Number (if applicable). :

86

Paragraph/Policy (if applicable) :

6.6.1

2 Do you believe that this policy/section of the Neighbourhood Plan:

Do you believe that this Neighbourhood Plan. - Meets European obligations.:

Yes

Do you believe that this Neighbourhood Plan. - Has regard to national planning policies.:

Yes

Do you believe that this Neighbourhood Plan. - Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans:

Yes

Do you believe that this Neighbourhood Plan. - Contributes to the achievement of sustainable development.:

No

Do you :

Object to this policy/part of the plan

Comments:

The second paragraph under 6.6.1 refers to the sites with permission for "light industrial or storage and distribution use".

As outlined in Hortons' representations to the Vision (4.1) OldDalby Industrial Estate actually benefits from a lawful use for warehousing and industrial purposes by virtue of planning permission Ref. 00/00117/REV which was granted by Melton Borough Council in 2000. The description of lawful use is not limited to "light" industrial uses (B1(c) Use Class) but rather permits B1 offices, B8 storage and distribution and B2 "general" industrial uses (in addition to a D2 social club) (a condition provides specific uses for specific buildings).

Having regard to the historic and lawful use of Old Dalby Industrial Estate, the reference to "light" industrial use on pages 86 must be amended as it is factually incorrect and could lead to incorrect assumptions being made in the future about the lawful use of the site.

This lawful use is an important consideration for the proposed "reserve" housing site under Policy H2 which adjoins Old Dalby Industrial Estate.

Please suggest any amendments to the plan/policy here. :

The word "light" should be deleted from the first sentence of the second paragraph on page 86.

Representation 10

1 Would you like to submit another representation?

Yes

Representation Form10

1 Please indicate which part of the submitted Neighbourhood Plan or supporting documents this representation relates.

Which document does this representation relate - (for example Submission Plan, Policy Map, etc). :

Submission Version

Page Number (if applicable). :

92

Paragraph/Policy (if applicable) :

DC1

2 Do you believe that this policy/section of the Neighbourhood Plan:

Do you believe that this Neighbourhood Plan. - Meets European obligations.:

Yes

Do you believe that this Neighbourhood Plan. - Has regard to national planning policies.:

No

Do you believe that this Neighbourhood Plan. - Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans:

No

Do you believe that this Neighbourhood Plan. - Contributes to the achievement of sustainable development.:

No

Do you :

Object to this policy/part of the plan

Comments:

Policy DC1 relates to developer contributions. The view is taken that the first paragraph is unnecessary because it is simply duplicating national and Local Plan policy (e.g. Policy IN2).

Emerging Melton Local Plan Policy IN2 provides an order of priority for developer contributions which can be summarised as essential utilities/facilities/access, other infrastructure (including affordable housing) and "desirable" infrastructure. It states that such infrastructure will be identified in the Infrastructure Delivery Plan or Neighbourhood Plan. Policy DC1 should therefore provide a clear breakdown of specific infrastructure priorities for the Parish to align with the categories listed in IN2. As it stands, the second part of the draft policy simply provides a list of what appears to be "desirable" infrastructure.

Please suggest any amendments to the plan/policy here. :

Policy DC1 should provide a clear breakdown of specific infrastructure priorities for the Parish to align with the categories listed in Melton Local Plan Policy IN2.

Representation 11

1 Would you like to submit another representation?

No

Examination

1 If you believe this Neighbourhood Plan should be examined through hearings, please indicate why you believe this to be necessary below.

If you believe this Neighbourhood Plan should be examined through hearings, please indicate why you believe this to be necessary below. :

N/A

2 Do you wish to be notified of the Council's decision to make or refuse to make the neighbourhood development plan? (Please tick one box only)

Yes