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Representation # <u>4105</u>	



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North Dorset Local Plan Part 1

Pre-submission Consultation 29 November 2013 to 24 January 2014

Regulation 19 of Town and Country Planning (Local Planning) (England) Regulations 2012)

Response Form

For each representation you wish to make a separate response form will need to be completed.

This is a formal consultation on the legal compliance and soundness of the Local Plan before it is submitted to the Secretary of State for examination by an Inspector. For advice on how to respond to the consultation and fill in this form please see the 'Guidance Notes for Making Representations' that can be found on the Council's website at www.dorsetforyou.com/planning/north-dorset/planning-policy

Please return completed forms to:

Email: planningpolicy@north-dorset.gov.uk

Post: Planning Policy, North Dorset District Council, Nordon, Salisbury Road, Blandford Forum, Dorset DT11 7LL

Alternatively you can submit your comments online at: www.surveymonkey.com/s/NorthDorsetLocalPlan

Deadline: 5pm on 24 January 2014. Representations received after this time may not be accepted.

Part A – Personal details

This part of the form must be completed by all people making representations as **anonymous comments cannot be accepted**. Representations cannot be treated in confidence as Regulation 22 of the Town and County Planning (Local Planning) (England) Regulations 2012 requires copies of all representations to be made publically available. By submitting this response form on the pre-submission North Dorset Local Plan Part 1 you consent to your information being disclosed to third parties for this purpose, but signatures, private telephone numbers and e-mail addresses or private addresses will not be visible on our web site, although they will be shown on paper copies that will be sent to the Inspector and available for inspection.

*If an agent is appointed, please complete only the Title, Name and Organisation boxes to the personal details but complete the full contact details of the agent. All correspondence will be sent to the agent.

Personal Details (if applicable)*		Agent's Details (if applicable)*
Title	Mr	Mr
First Name	Barry	Jonathan
Last Name	Pliskin	Kamm
Job Title (where relevant)	Director	
Organisation (where relevant)	Clemdell Ltd	Jonathan Kamm Consultancy
Address	[Redacted]	2 Marsh Court Farm Romsey Road Stockbridge, Hampshire
Postcode	[Redacted]	SO20 6DF
Tel. No.	[Redacted]	01264 810442
Email Address	[Redacted]	KammJP@aol.com

Part B – Representation

The North Dorset Local Plan 2011 to 2026 Part 1 and its supporting documents have been published in order for representations to be made prior to submission to the Secretary of State for examination. The purpose of the examination is to consider whether the Local Plan complies with the **legal requirements** and is **'sound'**.

If you are seeking to make a representation on the **way** in which documents have been prepared it is likely that your comments or objections will relate to a matter of **legal compliance**.

If you are seeking to make representations on the **content** of the documents it is likely that your comments or objections relate to the **soundness** of the plans and whether it is justified, effective or consistent with national policy.

Further information on the matter of legal compliance and the issue of soundness can be found in the 'Guidance Notes for Making Representations'.

If you need help completing the response form please see a member of the Planning Policy Team at one of the consultation exhibitions or call 01258 484201.

1. Please select which document you are commenting on:

- North Dorset Local Plan 2011 to 2026 Part 1 (please complete Questions 2 to 9)
- Final Sustainability Appraisal Report (please complete Questions 2 and 10)
- Habitats Regulations Assessment (please complete Questions 2 and 10)

2. Please state the part of that document you are commenting on:

Paragraph number:	Policy: 8 Affordable Housing	Policies map:
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3. Do you consider the Local Plan to be legally compliant and prepared in accordance with the Duty to Cooperate, legal and procedural requirements?

- Yes No

4. Do you consider the Local Plan to be 'sound'?

- Yes No

5. If you consider the Local Plan to be unsound please specify your reason(s) by ticking the box(es) that apply below

- It has not been positively prepared
- It is not justified
- It is not effective
- It is not consistent with national policy

6. Please give specific details of why you consider the Local Plan has not been prepared in accordance with the Duty to Co-operate, legal or procedural requirement or why you consider the plan to be **unsound**. Alternatively, if you wish to support any aspects of the plan please also use this box to set out your comments.

Please see the separate sheets Rep P8(2) attached

Continue on a separate sheet if necessary

7. What change(s) do you consider are necessary to ensure that the Local Plan is legally compliant and **sound**? It would be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see the separate sheets Rep P8(2) attached

8. If your representation is seeking a change, do you consider it necessary to participate in the oral part of the examination?

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

Yes, I would like to participate in the oral examination

9. If you wish to participate in the oral part of the examination please outline why you consider that to be necessary. Please note that the Inspector determines who is heard at the examination.

Clemdell Ltd is a local company that has various properties in Blandford Forum town centre – including national and local retailers and residential properties.
It has a keen and active interest in seeing that national policies for supporting sustainable town centres are implemented in Blandford Forum.
By way, inter alia, of positive investment Clemdell wishes to pro-actively participate in ensuring that town centre regeneration takes place within, and not on the edge of, the town centre.
That will support the viability of its commercial tenants
Clemdell's participation in the Hearing could, therefore, assist the Inspector in determining the outcome of the Examination and in drawing together the range of issues affecting the town centre, spread throughout the Plan.

10. Please outline your comments on the Final Sustainability Appraisal Report or Habitats Regulations Assessment. Comments are not confined to 'soundness' issues, but respondents can express their opinions on the above documents and use it as a reference point on the 'soundness' of the Local Plan.

Not applicable

11. Do you wish to be notified of any of the following? Please tick all that apply. We will contact you using the details you have given above.

- That the Local Plan Part 1 has been submitted for independent examination
- The publication of the recommendations of any person appointed to carry out an independent examination of the Local Plan Part 1
- The adoption of the Local Plan Part 1.

Signature: J Kamm

Date: 23 January 2014

If submitting the form electronically, no signature is required.

**CLEMDRELL LIMITED REPRESENTATIONS ON
POLICY 8: AFFORDABLE HOUSING**

6. Please give specific details of why you consider the Local Plan has not been prepared in accordance with the Duty to Co-operate, legal or procedural requirement or why you consider the plan to be unsound. Alternatively, if you wish to support any aspects of the plan please also use this box to set out your comments.

It is considered that the Plan is unsound for the reasons set out below. This representation objects to the omission of support for appropriate residential uses in town centres in the North Dorset Local Plan - 2011 to 2026 Part 1 Pre-submission Document ("the Local Plan").

The NPPF, at paragraph 23 states that "In drawing up Local Plans, local planning authorities should:**recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites**" (*my emphasis*)

Although the Local Plan defines (at Appendix D) Mixed use (or Mixed use development) as "Provision of a mix of complementary uses, such as residential, community and leisure uses, on a site or within a particular area." there is no support for mixed use development or regeneration in the town centres in the Local Plan and no policy to encourage appropriate residential development in town centres.

That is in contrast to the Adopted Local Plan which states at paragraph 3.38 that a "diversity of mixed use development within (town centres) will be encouraged" and at paragraph 3.53 states "(t)here are many sites within town and neighbourhood centres where the re-use of space above commercial premises offers the opportunity to create additional housing for those wishing to live within a more "urban" environment. Such conversion will not only lead to an economic use of an under-utilised asset, but will ensure that a mixed range and tenure of housing is created to meet the needs of a broad cross-section of the community. Where conversion to a residential use is not acceptable, other economic uses will be considered providing that a retail use is retained at ground floor level." This support was carried into Adopted Plan Policy 3.27.

The Local Plan, at Appendix A, states simply that it was "(n)ot considered necessary to retain" Adopted Plan Policy 3.27 without any reasoning or alternative.

Thus the Local Plan neither recognises nor supports the NPPF advice that residential development can play an important role in ensuring the vitality of centres, nor does it set out policies to encourage residential development on appropriate town centre sites. No distinction is made in Policy 8 Affordable Housing between town-centre and non town centre development - for example as to the different costs and alternative use values that will militate against the advice in NPPF paragraph 23 without the positive encouragement of residential development in that advice.

The Local Plan focuses on limiting all town centre uses to retail and other ground floor uses (for example paragraphs 6.56 to 6.59). There is no recognition of the evening economy. Indeed the Local Plan seeks to move mixed use regeneration away from town centres to out-of-centre sites (see eg paragraph 6.9 and Policy 11 (b)(k)(l)).

In November 2013 the background paper Market Towns Site Selection at paragraph 5.75, for Blandford Forum, stated "Town centre regeneration would be focussed on land to the south of East Street and the Market Place." But the Local Plan omits support for mixed use development in Blandford town centre.

Mixed-use regeneration schemes in town centres, such as Blandford Forum, will inevitably be small scale and deal with unique opportunities with abnormal long-term liabilities to support heritage assets. Such schemes need a heritage-led integrated approach to land use and management and individual elements are not susceptible to separate short-term viability analysis and have a high existing alternative-use value.

The Local Plan (at paragraph 4.163) states that, inter alia, "promoting heritage-led regeneration, particularly in the four main towns" is the cornerstone of its positive strategy for the conservation and enjoyment of the historic environment of North Dorset. The Local Plan states, at paragraph 5.81, that it wishes to "avoid a situation where viability assessments become a requirement for every housing development proposal". Therefore the Local Plan should state in terms that heritage-led regeneration should not require viability assessments for the purpose of assessing liability to affordable housing.

The Local Plan should:

1. Incorporate within the chapter on the Economy recognition that residential development can play an important role in ensuring the vitality of town centres and amend Policy 11 accordingly.

2. Save Adopted Plan Policy 3.27 and incorporate it into Policy 12.
3. Recognise the exceptional costs of sensitively implementing heritage led mixed use regeneration in town centres defined by the status of its listed buildings and amend Policy 8.
4. Incorporate and support the terms of NPPF paragraph 23.

7. What change(s) do you consider are necessary to ensure that the Local Plan is legally compliant and sound? It would be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

It is considered that the changes underlined are appropriate & necessary:

POLICY 8: AFFORDABLE HOUSING

All development that delivers three or more net additional dwellings, ~~including~~ excluding housing in the main town centres and mixed-use regeneration sites, will contribute to the provision of affordable housing.