

Correspondence with Independent Examiner relating to Houghton on the Hill NDP

Email from M. Bills to Examiner 2/10/2017

From : M.Bills@harborough.gov.uk
Date : 02/10/2017 - 15:31 (GMTST)
To : andrew_matheson@btinternet.com
Cc : t.nelson@harborough.gov.uk
Subject : Houghton on the Hill Examination

Andrew

I hope you are well.

I believe you will now have received the contract for the above Examination. Hopefully the contract process is now a little more streamlined than previously.

I have uploaded the submission documents, the responses to regulation 16 and the Core Strategy to Dropbox.. You can find the files at the following link.

https://www.dropbox.com/sh/s1vxzqi05g27ubl/AAAh81931e9gp4ai51rAj_39a?dl=0

The redacted version of the consultation responses is on the [Council website](#)

Please let me know which documents you would like as a hard copy and I will post them to you.

The Parish Council have made a representation at Regulation 16 , which I hope is fairly self explanatory; events and planning applications rather overtook the NDP after submission to HDC. The representation is made for your consideration as amended text to reflect the updated position.

The District Council's emerging Local Plan is now undergoing its statutory consultation. The link to the Plan is below. Please let me know if you would like a copy of the emerging Local Plan, which I will post to you.

<http://www.harborough.gov.uk/local-plan>

If you need anything else please let me know

Regards

Matthew

Email Examiner to M Bills 11/10/2017

From: ANDREW MATHESON [mailto:andrew_matheson@btinternet.com]
Sent: 11 October 2017 19:04
To: Matthew Bills
Subject: [EXTERNAL] Re: Houghton on the Hill Examination

Matthew

I have realised that I do not have the attachments to the QB's representation; they refer to replacement figures and diagrams, at least one of which may be crucial to me gaining an

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understanding of how Policy H1 has been changed. I would be grateful for a copy of the attachments please.

Andrew

From : M.Bills@harborough.gov.uk

Date : 12/10/2017 - 08:37 (GMTST)

To : andrew_matheson@btinternet.com

Subject : RE: [EXTERNAL] Re: Houghton on the Hill Examination

Andrew

Apologies, I think the attached will suffice. Let me know if you need anything further

Regards

Matthew

Attached : Houghton NDP – proposed revised pages 17 to 21 from PC

From: ANDREW MATHESON [mailto:andrew_matheson@btinternet.com]

Sent: 12 October 2017 18:44

To: Matthew Bills

Subject: Fwd: RE: [EXTERNAL] Re: Houghton on the Hill Examination

Matthew

It only goes part of the way - and gives rise to queries which I will address to the QB (and copy you in). There should also apparently be replacements for Figs 4.1 and 4.5?

Andrew

From Examiner to M Bills 12/10/2017

Matthew

Sorry its me again but I have been trying to identify the applications relating to the 3 sites mentioned (but not referenced) in the Plan as having an outline consent. I believe that the Plan's Site 1 is 15-01975 and Site Z 17/00212 (I note there is presently an approval of details application with you at the moment). I cannot confidently locate Site 2 because the boundaries of the outline application and the current details application appear to differ. Please could you confirm or correct the details that I have suggested and provide the reference(s) for Site 2 please.

Many thanks

M Bills to Examiner 13/10/2017

Andrew

The sites are as follows

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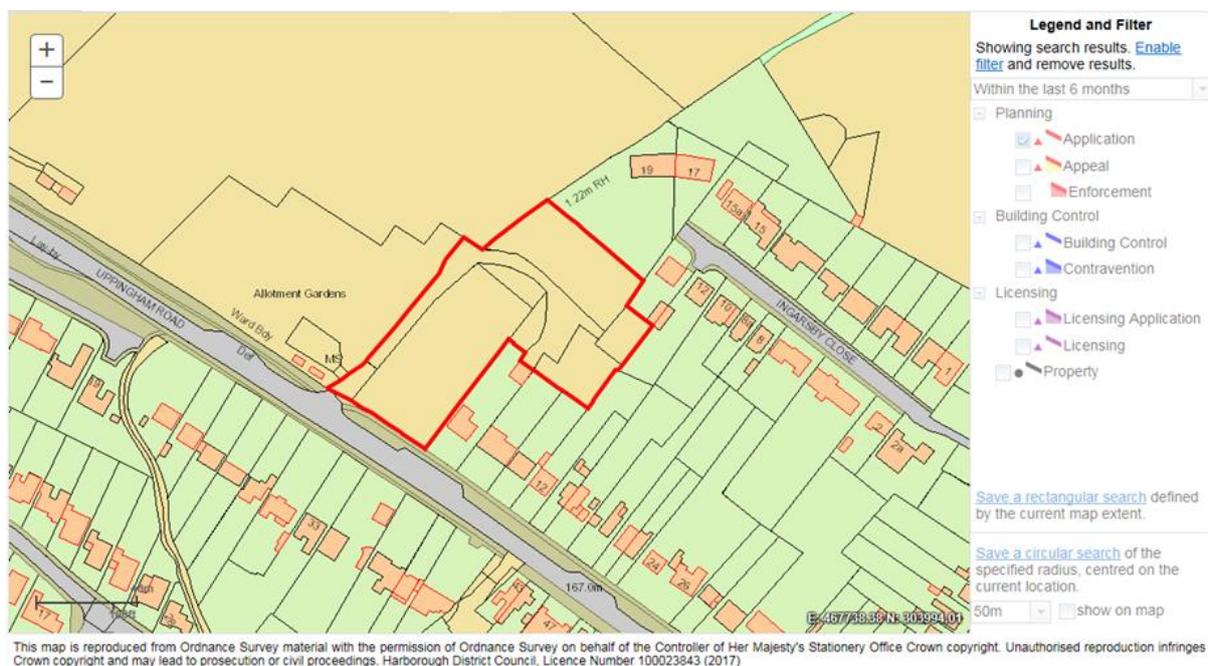
Site 1 – 17/00257/REM | Erection of 70 dwellings (reserved matters of 15/01975/OUT) | Land Part OS 8797 Uppingham Road Houghton On The Hill Leicestershire

Site 2 – 14/01439/FUL | Demolition of two existing dwellings, demolition of existing builders yard and associated outhouses and hard standing, and erection of 17 dwellings with associated external works | 2A Uppingham Road Houghton On The Hill Leicestershire LE7 9HH

Site Z – 17/00212/OUT | Outline application for residential development of up to 48 dwellings with associated infrastructure and public open space (means of access to be considered) | Land Off Winckley Close Houghton On The Hill Leicestershire

The boundary of site 2 is as set out on the attached which is from our Planning Online.

Below is the site boundary



I am not aware the boundary has changed from outline to full application, but hopefully the attached will give you the information you require

Regards

Matthew

From Ian Hill to Examiner 14/10/2017

Dear Matt and Andrew.

I attach all the documents which were submitted with the Response form for the Houghton Parish Council.

I copy to Ann Sleath as chair, and Steve Derry as clerk, for reference.

I am away abroad for the next 2 weeks, but either Ann or Steve can take up any further queries.

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I will be monitoring email while abroad, but my ability to respond to details will be limited.

Regards

Ian

Attachments:

Houghton NDP- Edited response pages 17 -21 draft 03

Houghton NDP Response Form Draft 05

Image fig 4-1

Image fig 4-2

Image fig 4-3

Image fig 4-5

Email from Examiner to Qualifying Body 16/10/2017

Dear Mr Derry

As you are aware I have been appointed to conduct the Examination of the Houghton on the Hill NDP. I have started my work and have identified a few initial queries on which I need some more information. In the interests of transparency I am requesting Harborough Council (via this email) to add my queries and your response on behalf of the Qualifying Body to the Council's webpages relating to the Neighbourhood Plan. I have also copied in Ian Hill and Ann Sleath as suggested by Mr Hill.

- I note that you have suggested, via a submission to the formal consultation, a number of amendments most of which relate to factual changes as a result of some matters having progressed since Plan submission. Bringing content up to date is a natural part of the Examination process. However, the changes proposed to the wordings of para 1 of Policy H1 and parts of Policy H3 are of a different character and consequence.
- I am assuming that there is a typo in the suggested new wording for Policy H1 and that 'the limits to development' is to be replaced by 'the NDP area' (rather than NOP area as written here and at other places)? The effect of the change of the wording of para 1 of Policy H1 is, apparently, to remove any locational constraint on prospective permissions for housing within the Neighbourhood Area; previously the restriction had been 'within the limits to development'. I am aware that the emerging Local Plan will not provide for 'limits to development' as such, but there will still be locational criteria to which housing proposals will have to show regard. Given its context within the Neighbourhood Plan I doubt that you had intended that Policy H1 should challenge the Local Plan, adopted or prospective, with a more liberal approach to additional housing, and so I need your guidance please on what had been the intention for the Policy and its relationship to the new Policy H7? (Policy H7 has its own problems partly because it makes reference to Site 3 which has not now been allocated). A further confusion arises from the (retained) reference to Figure 4.2; this neither defines the 'limits to development' nor the Neighbourhood Area and is not, as is suggested, the "Policies Map". Therefore I am left wondering whether a correct Figure has been omitted or the reference should show another of the existing Figures; your guidance please.
- The original version of Policy H3, on which there has been a formal consultation, says: " The reserve site 3 for housing will be made available if it becomes necessary to provide for additional homes in excess of that provided for within the sites 1 and 2 coupled with the outcome of outstanding applications and appeals relating to a site off Winckley Close". It is now known that the development off Winckley Close has a planning consent but there will still be a shortfall in numbers below the likely Local Plan *minimum* requirement. However, the amendment submitted now suggests a different approach to meeting the shortfall, albeit I can see that prospectively there would be a surplus beyond the minimum requirement. Given that the change of approach has not been the subject of consultation, as well as that no evidence

has been provided to suggest that windfall sites over the lifetime of the Plan could be assumed to be sufficient for 17 dwellings, I am doubtful that the suggested amendment is reasonable. Retaining the allocation of Site 3 is what readers had been led to expect and would be in line with current Planning Guidance (Can a neighbourhood plan come forward before an up-to-date Local Plan is in place? ref: [41-009-20160211](#)). I invite your response to this line of thinking.

- I note that although not referred to in the representation, a substitute for Fig 4.3 has in fact been included with the attachments.
- From my researches to date it would appear that the three sites 1, 2 & Z have all reached the stage of a full planning application/permission without any increase in housing numbers from the outline permission. I can therefore see no practical benefit to these sites now being included in the Plan other than as a part of the calculation of meeting housing needs. I invite your response to this line of thinking.
- I further need your guidance on thinking in relation to the protection of open spaces. The NPPF makes provision for the designation of Local Green Space, but this is subject to very specific criteria which many areas of open space may not satisfy. You do not propose, it would seem, to use the Local Green Space designation but you do say that "all formally identified green spaces" "should be protected" (Policy D3) and repetitiously again at Policy E4. I am not sure what "formally identified" here might mean, but I can see that three spaces in Houghton are recognised in the Local Plan as Public Open Space and therefore they are already protected by that designation. Many seem to be protected in practice because of ownership - freehold or lease - by the Parish Council and, to a lesser degree, some are protected as assets of community value? Both Policies D3 & E4 seem to be making statements about future actions rather than Policy commitments about protection although D3 says "should be" and E4 "will be". One of the areas that seems to be intended for protection is the Allotments and yet elsewhere in the Plan (text related to Policy S3) the prospect is raised that the site of the Allotments might be sold for housing (although it is also suggested that this might be a statutory allotments site already protected by that designation). Therefore new protections would need to be distinguished from existing protections and new protections need to be justified individually not merely marked on a Map. But perhaps you are in fact simply identifying the distribution of existing open space as a background to the Policy requirement for complementary spaces to be provided within new housing developments? Can you please clarify your intentions here. It may be worth me noting here that policies should "provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency" (NPPF para 17).

There may well be further questions that I will need to raise as the Examination progresses but I would appreciate some further clarity on the issues above to help with progress.

Kind regards

Andrew Matheson
Independent Examiner

From : clerk@houghtononthehillpc.org.uk

Date : 17/10/2017 - 17:02 (GMTST)

To : andrew_matheson@btinternet.com

Subject : RE: Examination of the Houghton on the Hill Neighbourhood Development Plan

Dear Mr. Matheson,

Thank you for your comments which have been passed on to members of our Neighbourhood Plan Working Party (NPWP) and Parish Councillors. You will appreciate that it will take a while for NPWP members to consider the comments and it will then be necessary to seek approval at the next Parish Council meeting on 9th November 2017. You say 'there may well be further questions'. Whilst we appreciate the fact that some could result from the Parish Council's response to your original submissions, it would be most helpful if we could receive any further comments in advance of the Parish Council meeting.

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Regards
Steve Derry
Clerk to the Parish Council

From Examiner to Qualifying Body 19/10/2017

Further to your request I have identified one further matter on which I would welcome clarification: the Village Design Statement (VDS).

In the first sentence the VDS says that it "does not aim to offer advice for the design of buildings". However, sections 1.6 & 1.8 then proffer "Guidelines for the design of buildings". This seems to indicate some internal inconsistency but also, as some representations have commented, the relationship of the "Guidelines" to the NPPF expectations may also be inconsistent. The NPPF says: "para 59: Local planning authorities [and by extension Qualifying Bodies for Neighbourhood Plans] should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

para 60: Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."

Even the language of the "Guidelines" - where for instance it says "will be permitted " and "will be expected to" - suggests overprescription; possibly the Key Considerations (1.7) come closer to the NPPF suggested Design Code? But also I think that the NPPF reference to "unsubstantiated requirements" is a caution that possibly has not been heeded.

More positively, para 61 of the NPPF says:

"Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment." The VDS section 1.5 appears to chime more closely with this expectation.

I would be grateful if, in addition to the previous request, you could amplify the thinking behind the content of the VDS.

Kind regards

Andrew Matheson

Independent Examiner

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