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11<sup>th</sup> February 2020

Dear Sir/Madam,

**Re: Great and Little Kimble-cum-Marsh Neighbourhood Plan – Regulation 16 consultation**

This letter provides Gladman Developments Ltd (Gladman) representations in response to the draft submission version of the Great and Little Kimble-cum-Marsh Neighbourhood Plan (GLKMNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy. Gladman has considerable experience in neighbourhood planning, having been involved in the process during the preparation and examination of numerous plans across the country, it is from this experience that these representations are prepared.

**Legal Requirements**

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the GLKMNP must meet are as follows:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.*
- (d) The making of the order contributes to the achievement of sustainable development.*
- (e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
- (f) The making of the order does not breach, and is otherwise compatible with, EU obligations.*
- (g) The making of the neighbourhood plan does not breach the requirements of Chapter 8 of part 6 of the Conservation of Habitats and Species Regulations 2017.*

**National Planning Policy Framework and Planning Practice Guidance**

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood

plans to be in conformity with the strategic priorities for the wider area and the role they play in delivering sustainable development to meet development needs.

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through plan-making and decision-taking. This means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account of and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 13 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.

Paragraph 15 further makes clear that neighbourhood plans should set out a succinct and positive vision for the future of the area. A neighbourhood plan should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

Paragraph 29 of the Framework makes clear that a neighbourhood plan must be aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

### **Planning Practice Guidance**

Following the publication of the NPPF (2018), the Government published updates to its Planning Practice Guidance (PPG) on 13<sup>th</sup> September 2018 with further updates being made in the intervening period. The updated PPG provides further clarity on how specific elements of the Framework should be interpreted when preparing neighbourhood plans.

Although a draft neighbourhood plan must be in general conformity with the strategic policies of the adopted development plan, it is important for the neighbourhood plan to provide flexibility and consider the reasoning and evidence informing the emerging Local Plan which will be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested against. For example, the neighbourhood planning body should take into consideration up-to-date housing needs evidence as this will be relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development. Where a neighbourhood plan is being brought forward before an up-to-date Local Plan is in place, the qualifying body and local planning authority should discuss and aim to agree the relationship between the policies in the emerging Neighbourhood Plan, the emerging Local Plan and the adopted Development Plan<sup>1</sup>. This should be undertaken through a positive and proactive approach working collaboratively and based on shared evidence in order to minimise any potential conflicts which can arise and ensure that policies contained in the neighbourhood plan are not ultimately overridden by a new Local Plan.

It is important the neighbourhood plan sets out a positive approach to development in their area by working in partnership with local planning authorities, landowners and developers to identify their housing need figure and

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<sup>1</sup> PPG Reference ID: 41-009-20160211

identifying sufficient land to meet this requirement as a minimum. Furthermore, it is important that policies contained in the neighbourhood plan do not seek to prevent or stifle the ability of sustainable growth opportunities from coming forward.

### **Relationship to Local Plans**

To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan.

Great and Little Kimble-cum-Marsh falls within the administrative area of Wycombe District Council and the Neighbourhood Plan will be tested against the Wycombe District Local Plan (adopted August 2019) and Delivery & Site Allocations Plan (adopted July 2013). The Local Plan defines how future development should take place across the whole district and allocated new areas for housing and employment growth. Within the Wycombe District Local Plan, Great and Little Kimble is identified as a Tier 4 'Other Service Village' within the settlement hierarchy. Whilst Policy RUR6 requires 160 homes to be developed in the Parish of Great and Little Kimble-cum-Marsh over the Plan period through Neighbourhood Plan allocations.

Two applications to legally challenge the Local Plan were made in 2019 in relation to policies RUR7 and BE2, however both applications were unsuccessful, however a request for the judicial review to be heard at an Oral hearing has since been made, the date of which is still to be decided.

From 1<sup>st</sup> April 2020 a new single Buckinghamshire Council will replace Aylesbury Vale, Chiltern, South Bucks and Wycombe District and Buckinghamshire County Councils. The Parish Council should therefore ensure that policies within the GLKMNP are designed as flexibly as possible to minimise any potential conflicts with any future Local Plan Review or new unitary development plan. A failure to include enough flexibility may affect the longevity of the GLKMNP as conflicts will be superseded by any subsequent Local Plan. This degree of flexibility is required to ensure that the GLKMNP is capable of being effective over the duration of its plan period and not ultimately superseded by the provisions set out in s38(5) of the Planning and Compulsory Purchase Act 2004, which states that:

*"if to any extent, a policy, a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approached, or published (as the case may be)."*

### **Great and Little Kimble-cum-Marsh Neighbourhood Plan**

This section highlights the key issues that Gladman would like to raise with regards to the content of the GLKMNP as currently proposed. Whilst Gladman support the fact that the Parish Council has amended the GLKMNP in light of our previous representations, Gladman still consider that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend modifications to the Plan that should be explored through the examination process.

### **KIM1 Settlement Boundaries**

Policy KIM1 attempts to restrict development outside the proposed settlement boundary at Great and Little Kimble.

Gladman do not consider the use of development limits to be appropriate planning tool if they would limit the ability of sustainable development opportunities from coming forward, whilst The Framework is clear that development which is considered sustainable should go ahead without delay in accordance with the presumption in favour of sustainable development. Accordingly, Gladman recommend that this policy should be modified so that it allows for a degree of flexibility. The following wording is put forward for consideration:

***“The Neighbourhood Plan defines settlement boundaries at Great Kimble (including that part known as Smokey Row) and Little Kimble, as shown on the Policies Map.***

***In addition to the land allocated for development in the Neighbourhood Plan, proposals for small scale, infill development within a settlement boundary will be supported, provided the proposal accords with the design and development policies of the adopted development plan.***

***Proposals for development adjacent to the existing settlement will be supported provided that any adverse impacts do not significantly and demonstrably outweigh the benefits of development.”***

The need for flexibility is essential to ensure the Plan is responsive to changes in circumstance which may occur over the plan period (e.g. a new Local Plan for Buckinghamshire). Indeed, the need for flexibility was considered in the examination of the Godmanchester Neighbourhood Plan. Paragraph 4.12 of the Examiner’s Report states:

***“...Policy GMC1 should be modified to state that “Development...shall be focused within or adjoining the settlement boundary as identified in the plan.” It should be made clear that any new development should be either infill or minor or moderate scale, so that the local distinctiveness of the settlement is not compromised. PM2 should be made to achieve this flexibility and ensure regard is had to the NPPF and the promotion of sustainable development.”***

The scale of development would however need to be considered in the context of the settlement given Great and Little Kimble’s identification as a Tier 4 settlement and the role it plays to the wider context of Wycombe.

### **KIM2 Design Principles**

The above policy sets out a range of design principles that all proposals for residential development will be expected to adhere to. Whilst Gladman acknowledge the importance for planning policies relating to quality design measures, and the documents sitting behind them, these should not be overly prescriptive and should allow for flexibility in order for schemes to respond to site specifics and the character of the local area. There will not be a ‘one size fits all’ solution in relation to design and sites will need to be considered on a site by site basis with consideration given to various design principles.

Gladman accept that the development proposals should have regard to Chilterns Buildings Design Guide and the Wycombe Residential Design Supplementary Planning Document or any subsequent design guidance that the local planning authority produces. However, the guide is intended to provide guidance to developers bringing forward development proposals and are not expected to be strictly adhered to as these are guidance documents only, not planning policy and have not been subject to testing by an independent Planning Inspector.

Therefore, Gladman consider that in a number of instances the principles proposed are onerous and would place potential undue burden on development viability. For example, the policy proposes the following design principle:

***“The building design of any new residential dwelling should avoid overlooking or being overlooked by any other (new or existing) dwelling. Where a front or rear window in a habitable room faces a blank wall whose height***

***exceeds the highest point of the window, there should be no more than 15 metres between the highest point of the window and the top of the wall measured at an angle of 45 degrees upwards from the lower point.***

Firstly, no supporting documents have been submitted which justify the inclusion of this principle and in addition the design principle does not follow any guidance set out in the Chilterns Buildings Design Guide, Wycombe Residential Design Supplementary Planning Document or the adopted development plans.

Furthermore, Policy KIM2 states that new development should only utilise existing access points to roadways and unless clear rationale no new access points to public highways should be permitted. Firstly, such an approach is not always feasible. From a highways perspective, development may not always be acceptable via the existing access point where the development increases the volume of traffic. There may also be other design reasons why an existing single point of access is no longer suitable, such as losses or changes to the local character in the vicinity of an access point or in relation to any future road improvements. Secondly, Gladman remind the Qualifying Body that it is not in the remit of the neighbourhood plan to determine planning applications as this is the sole responsibility of the local planning authority and recommend that this element of the policy is deleted.

Policy KIM2 makes demands for increasingly onerous design principles which do not appear to be supported by relevant, up-to-date evidence as to their need or purpose, nor are they supported by the adopted development plans. As a result, Gladman suggest that this policy is modified to allow for significantly greater flexibility or is deleted in full.

### **KIM 3 Housing Site Allocations**

Policy KIM3 allocates sites for housing development in the Neighbourhood Plan area and sets out site-specific requirements which each allocation should adhere to.

Gladman are concerned with the requirement of two out of the five allocations to provide a suitable financial contribution to the set up and operating cost of a small A1 shop and to ensure operation for a minimum initial period of at least 5 years.

Firstly, it is not evident why such a contribution only applies to two of the allocations (Land at Grove Lane (West) (Ref: No.1 and Land at Doe Hill Farm (Lower) (Ref: No.17A)) rather than all five, despite allocation Ref: No.4 being considerably larger in scale. Not only has no evidence base for this principle being provided but Gladman would question whether the allocation 'Land at Grove Hill (West)' would be deliverable against viability given the size of the scheme and proposed financial requirements.

This is supported by paragraph 56 of the NPPF:

**“Planning obligations must only be sought where they meet all of the following tests:**

- a) necessary to make the development acceptable in planning terms;**
- b) directly related to the development; and**
- c) fairly and reasonably related in scale and kind to the development.”**

Moreover, it is unreasonable to subsidise a private, profit-making business when unrelated to the development itself, this policy principle would also not be compliant with the requirements of Community Infrastructure Levy (CIL). Therefore, it is suggested that it would be more appropriate for the Neighbourhood Plan to include a separate policy which seeks to support the provision of an A1 unit or to set a priority for the provision of an A1 unit in which CIL receipts can be directed towards such infrastructure rather requiring certain development proposals to afford additional financial contribution to provide these facilities.

## **KIM 6 Employment**

The supporting text for policy KIM6 states that,

***“Proposals for the development of new employment uses will only be supported if the sites involved are all located within a Settlement Boundary or if the proposals involve the reuse of redundant brownfield site(s) that are suited to an employment use.”***

As discussed in relation to Policy KIM1 Settlement Boundaries above, Gladman do not consider the use of development limits to be appropriate planning tool if they would limit the ability of sustainable development opportunities from coming forward, whilst The Framework is clear that development which is considered sustainable should go ahead without delay in accordance with the presumption in favour of sustainable development. Accordingly, Gladman recommend that this supporting policy text should be modified so that it allows for a degree of flexibility. The following wording is put forward for consideration:

***“Proposals for development of new employment uses adjacent to the existing settlement will be supported provided that any adverse impacts do not significantly and demonstrably outweigh the benefits of development.”***

## **Conclusions**

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the GLKMNP as currently proposed with the requirements of national planning policy and the wider strategic policies for the wider area.

Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Yours faithfully,

Josh Plant  
Gladman Developments Ltd.