

Planning Policy Team
Wycombe District Council

18 April 2013

By Post and Email

Dear Sir / Madam,

WYCOMBE DEVELOPMENT FRAMEWORK: DELIVERY AND SITE ALLOCATIONS PLAN - CONSULTATION ON PROPOSED MAIN MODIFICATIONS (MARCH 2013)

CBRE Limited ('CBRE' hereafter) acts as property and planning advisers to the John Lewis Partnership ('JLP' hereafter) with respect of their land interests at Portland Gardens, Marlow. CBRE is instructed by JLP to submit representations to the 'Proposed Main Modifications to the Delivery and Site Allocations Plan' (reference CD7.17) (March 2013) in respect of their landholding. JLP welcomes the continued opportunity to engage with Wycombe District Council ('the District Council' hereafter) with regards to the Wycombe Development Framework, and specifically the Delivery and Site Allocations Plan (DSAP).

Previous Iterations of the Delivery and Site Allocations Plan

On behalf of JLP, CBRE has actively engaged with the District Council in respect of the DSAP and has submitted representations to a number of iterations of the document. These include (inter alia) the 'Draft Delivery and Site Allocations Development Plan Document: Draft for Consultation Version' (July 2011) and the 'Delivery and Site Allocations Plan: Proposed Submission Version' (June 2012).

Delivery and Site Allocations Plan: Proposed Submission Document (June 2012)

In the 'Proposed Submission' iteration of the DSAP, Portland Gardens, and the adjacent West Street Car Park, were allocated for predominantly residential uses. In its representations to the 'DSAP: Proposed Submission Document', and specifically in relation to Portland Gardens, CBRE, on behalf of JLP, considered that (inter alia):

- The allocation should solely relate to the physical extent of Portland Gardens (i.e. the allocation should exclude the West Street Car Park), principally as the West Street Car Park is not required to deliver a residential development on the site. As such, JLP requested that the extent of the allocation be amended to relate to land solely within JLP's ownership. JLP considered that this was required for the DSAP to be 'sound' having regards to the tests set out in the National Planning Policy Framework (NPPF) (March 2012);

- There is insufficient evidence to support the requirement to provide for the delivery of the northern part of the link road between West Street and Pound Lane. In addition, and following discussions with Buckinghamshire County Council, it was recognised by the County Council that there is insufficient land available to provide for the physical infrastructure (i.e. traffic signals or a roundabout) required to facilitate the provision of the link road. As such, JLP considered that the requirement to provide for the delivery of the northern part of the link road should be omitted in order for the DSAP to be 'sound';
- There was insufficient evidence to support the requirement to provide for rear servicing to the frontage premises on High Street and West Street. In addition, JLP were of the view that the frontage premises may not be able to physically accommodate deliveries from the rear and queried how rear servicing would be enforced. As such, JLP considered that the requirement to provide for rear servicing should be omitted in order for the DSAP to be 'sound'.

A copy of the representations to the DSAP: Proposed Submission Document is appended to this letter.

Proposed Pre-Examination Changes to Plans in the Proposed Submission Document of the Delivery and Site Allocations Plan (July 2012)

Following the submission of the DSAP to the Secretary of State, the District Council proposed a number of pre-examination changes to the plans which accompanied the 'Proposed Submission Document'. The changes included (inter alia) the provision of a 'Corridor Opportunity Area' between West Street and Pound Lane via Portlands Alley, to the west of Portland Gardens. JLP submitted a representation to the proposed pre-examination change in respect of Map 19. The representation supported the principle of the proposed pre-examination change, although considered that any contributions towards the 'Corridor Opportunity Areas' should not be of a scale as to threaten the financial viability of development coming forward.

A copy of the representations to the 'Proposed Pre-Examination Changes to Plans in the Proposed Submission Document of the DSAP' is appended to this letter.

Proposed Changes to Policy MR4 (Portlands) in the Proposed Submission Document of the Delivery and Site Allocations Plan (September 2012)

Following consideration of the representations submitted on behalf of JLP to the 'Proposed Submission Document' of the DSAP, the District Council proposed a number of changes to Policy MR4. The proposed changes included (inter alia):

- The omission of the West Street Car Park from the allocation (i.e. that the extent of the allocation should solely relate to the physical extent of Portland Gardens);
- That the main vehicular access to the development should be provided from the south of the site;
- The omission of the requirement to provide for the delivery of the northern section of the link road between West Street and Pound Lane;
- The omission of the requirement to retain Portlands Alley;
- The omission of the requirement to provide rear servicing to the frontage premises on High Street and West Street.

On behalf of JLP, CBRE wrote to the District Council on 27th September 2012 welcoming and supporting the proposed amendments to policy MR4. A copy of the correspondence between the District Council and JLP is appended to this letter.

Delivery and Site Allocations Plan Examination (December 2012)

On behalf of JLP, CBRE attended on 18th December 2012 the Examination hearing session in respect of 'Marlow Town Centre' and participated in discussions specifically related to Portland Gardens.

It is in this context that the representations set out below are made. Officers have confirmed that the representations can be submitted in letter form.

Delivery and Site Allocations Plan: Proposed Main Modifications (March 2013)

In March 2013, the District Council published a document titled 'Proposed Main Modifications to the Delivery and Site Allocations Plan' which sets out the principal changes to the DSAP: Proposed Submission Document. The modifications were derived from the changes recommended to the Inspector, Mr Paul Crysell, by the District Council during his Examination of the DSAP. JLP understands that the Inspector considered that these changes are necessary to make the DSAP 'sound' and 'legally compliant' in the context of the tests set out in the NPPF.

Policy MR4 (Portlands) and Map 2 (Marlow Town Centre) (reference MM11; page 46)

To which Main Modification does this representation relate?

The 'Proposed Main Modifications to the Delivery and Site Allocations Plan' proposes to make the following changes to part (1) of policy MR4 (Portlands):

'Development proposals should:

- a) ~~Be consistent with~~ **Conserve or enhance** the townscape and Conservation Area character of the town centre;
- b) **Maximise accessibility to and through the site for pedestrians and cyclists;**
- c) **Provide for the main vehicular access to the development** ~~Be accessed from the south of the site;~~
- d) ~~Provide for the delivery of the northern section of the link road between West Street and Pound Lane, consistent with townscape character, should it be required for future use by general through traffic in order to alleviate congestion on the High Street and support alternative bus routing;~~
- e) **Extinguish existing vehicular access to High Street (except for emergency vehicles);**
- f) ~~Retain Portlands Alley;~~
- g) ~~Secure rear servicing to frontage premises on High Street and West Street;~~
- h) **Retain 24 hours pedestrian / cycle access to High Street, West Street, Pound Lane including the retention of Portlands Alley as a quality pedestrian link; and;**
- i) **Retain mature trees where possible.'**

The document also proposes to redraw the site boundary for Policy MR4 (Portlands), as illustrated on Map 2 (Marlow Town Centre), as a consequential change in light of the proposed changes noted above. In essence, the proposal is for the allocation to solely relate to the physical extent of Portland Gardens; the West Street Car Park is therefore excluded from the allocation.

Please set out your comments on the proposed Main Modification. Please set out clearly if you support or disagree with the proposed Main Modification and the reasons supporting your position.

If appropriate, please set out what further change(s) you consider necessary. It will be helpful if you are able to put forward your suggested revised wording or any policy or text.

JLP notes the proposal to omit the requirement to provide for the northern section of the link road and rear servicing to the frontage premises on West Street and High Street, and that the allocation should solely relate to Portland Gardens. JLP welcomes and supports the proposed omissions and considers that they will result in the DSAP being 'sound' having regard to the tests set out in the NPPF.

As noted in its representations to the previous iteration of the DSAP, JLP considered that there was insufficient evidence, having regard to the key theme of the NPPF that Plans are supported by robust evidence of what infrastructure is needed [our emphasis] to enable the amount of development proposed for an area, to support the requirement to provide for the delivery of the northern section of the link road. This view was supported by Buckinghamshire County Council at the Examination hearing sessions, who accepted that there was no evidence to demonstrate that a technical assessment had been conducted to determine the need for a link road. The County Council also recognised that there is insufficient land available to provide for traffic signals or a roundabout which would be required to deliver the link road. JLP also queried the appropriateness of the requirement from a design perspective, principally due to the site's location within the Conservation Area.

With regards to the requirement to provide rear servicing to the frontage premises on the High Street and West Street, JLP questioned in its representations whether this requirement met the tests set out in the NPPF, specifically related to viability and deliverability, and Community Infrastructure Levy (CIL) Regulations. JLP also considered that the existing servicing facilities, which are generally from the front of the premises, are sufficient and do not preclude the premises from trading successfully. Furthermore, JLP queried how rear servicing would be enforceable and whether it would be feasible to provide without having to remove a significant number of established trees which are protected due to their location within the Conservation Area and without impacting upon the design of a development.

In relation to the extent of the allocation, JLP considered in its representations that it should solely relate to the physical extent of Portland Gardens and therefore the West Street Car Park should be omitted. The representations highlighted the relevant parts of the NPPF, advice from the Planning Inspectorate on basing policies on robust and credible evidence and the identification of land that it is needed to deliver development sites. The representations also reiterated JLP's comments made in respect of the requirement to provide for the delivery of the northern section of the link road.

In light of the above, JLP welcomes and supports the proposed changes to Policy MR4 and Map 2 and considers that the proposal to omit the requirement to provide for the northern section of the link road and rear servicing to the frontage premises on West Street and High Street, and that the allocation should solely relate to Portland Gardens, will result in the DSAP being 'sound' having regard to the tests set out in the NPPF.

Policy DM1 (reference MM15; page 53)

To which Main Modification does this representation relate?

The 'Proposed Main Modifications to the Delivery and Site Allocations Plan' proposes to include the following additional text to parts (1) and (2) of policy DM1:

*'1. All developments that require the submission of a Transport Assessment, in line with Appendix B of the DfT Guidance on Transport Assessment (March 2007), or any replacement to this guidance, or as required by the Highway Authority, should provide, **wherever possible...**'*

*'2. Design of development should allow ~~for~~, **where feasible...**'*

Please set out your comments on the proposed Main Modification. Please set out clearly if you support or disagree with the proposed Main Modification and the reasons supporting your position. If appropriate, please set out what further change(s) you consider necessary. It will be helpful if you are able to put forward your suggested revised wording or any policy or text.

JLP notes the proposal to include additional flexibility in the application of policy DM1. JLP has previously objected to the wording of Policy DM1 on the basis that the Department for Transport (DfT) guidance – Guidance on Transport Assessments – is intended to determine where a Transport Assessment is required and, if so, what the level and scope of that assessment should be. The guidance does not set out measures which should be incorporated in schemes which require the submission of a Transport Assessment. JLP did not therefore consider that the use of the ‘trigger’ was appropriate and suggested that the transport requirements for development sites should be determined based on need which is supported by robust evidence. JLP supports the principle of including flexibility to the application of the policy, although continues to be of the view that the use of the guidance is not consistent with the NPPF and therefore considers that the DSAP may continue to be ‘unsound’ on this matter.

JLP trust that the above is helpful and would be grateful if you could confirm receipt of this letter and that the representations have been duly made. JLP also wish to be notified of future stages of the DSAP, including publication of the Inspector’s Report and Adoption.

Yours faithfully

**TOM PIKE
SENIOR PLANNER - PLANNING**

CBRE Limited for and on behalf of John Lewis Partnership.

Enc. Representations to the ‘Delivery and Site Allocations Plan: Proposed Submission Document’ (June 2012);
Representations to the ‘Proposed Pre-Examination Changes to Plans in the Publication Document of the Delivery and Site Allocations Plan; (September 2012);
‘Delivery and Site Allocations Plan: Proposed Submission Document (June 2012);
Written Representations on behalf of John Lewis Partnership’ (September 2012);
‘Delivery and Site Allocations Plan: Proposed Submission Document’ (September 2012).

C.c. J. Rennie, John Lewis Partnership;
S. Gregory, John Lewis Partnership;
S. Wright, John Lewis Partnership;
I. Anderson, CBRE Limited.

Wycombe District Council - Planning Policy Team

20 July 2012

By Post and Email

Dear Sir / Madam,

**WYCOMBE DEVELOPMENT FRAMEWORK - DELIVERY AND SITE ALLOCATIONS PLAN:
PROPOSED SUBMISSION DOCUMENT (JUNE 2012)**

CBRE Limited acts as planning advisors to the John Lewis Partnership (JLP) with respect to their land interest at Portland Gardens, Marlow. CBRE Limited is instructed by JLP to submit representations to the Wycombe Development Framework – Delivery and Site Allocations Plan (DSA Plan): Proposed Submission Document (June 2012) in respect of their landholding. JLP welcomes the continued opportunity to engage with the District Council with regards to the Wycombe Development Framework.

Site Description

The District Council will be familiar with the nature and location of Portland Gardens. It is circa 1.4 hectares (3.5 acres) in extent and is located in the historic centre of Marlow, immediately to the rear of the predominantly commercial properties on the High Street and West Street. We understand that Portland Gardens is the largest potential development site in Marlow. It currently comprises a number of existing residential properties, hardstanding and vegetation.

Primary vehicular access is from the High Street via Portland Gardens. Portlands Alley connects directly to West Street and provides pedestrian access.

Planning Policy Context

Portland Gardens is allocated by 'saved' policy M5 of the Wycombe Local Plan (January 2004; amended September 2007) for predominantly residential development. It also benefits from a site-specific Development Brief (September 2005) which elaborates on 'saved' policy M5 of the Local Plan.

On behalf of JLP, CBRE Limited has submitted a number of responses to the District Council's Strategic Housing Land Availability Assessment (October 2010; August 2011). In essence, the responses considered that Portland Gardens:

- Is a 'deliverable site' in the context of Planning Policy Statement 3 (June 2010) (now superseded by the National Planning Policy Framework (NPPF) (March 2012)) in that it is available, offers a suitable location for development, is achievable and offers a realistic prospect that residential accommodation could be delivered on the site within five years;
- Is capable of being delivered without the West Street Car Park ('saved' policy M5 and the Portlands Development Brief relate to Portland Gardens and the adjacent West Street Car Park);
- Could accommodate a net increase of approximately 54 dwellings, which would result in a total capacity of approximately 70 dwellings. Although, the quantum of development should ultimately be based on a design-led approach and determined through the planning application process.

On behalf of JLP, CBRE Limited has also submitted representations to earlier iterations of the Delivery and Site Allocations Plan, including the Draft Delivery and Site Allocations Development Plan Document: draft for consultation version (July 2011). In relation to Portland Gardens, the representations considered that:

- The designation of the 'Portlands Alley Link Road' as a Transport Improvement Line should not continue in perpetuity. In addition, the representations considered that the evidence base which supported the draft Delivery and Site Allocations Development Plan Document (DSA DPD) was not sufficient to demonstrate the need for the Link Road, or that there are 'reasonable prospects' of its delivery in the timescales envisaged, to justify its continued protection;
- The physical requirements and financial contributions included in draft policy MR4 of the draft DSA DPD, which were essentially a replication of 'saved' policy M5 of the Local Plan, appeared to have been identified in the absence of a robust evidence base and feasibility and / or viability analysis. The representations therefore set out JLP's view that the physical requirements and financial contributions should be removed, unless it could be demonstrated that they are based on robust and credible evidence which supports their deliverability;
- The allocation should relate solely to Portland Gardens (i.e. should not include the West Street Car Park);
- The allocation should also acknowledge that, in view of its central location, the site is suitable to accommodate a range of town centre uses, including retail floorspace.

It is in this context that the comments set out below are made. Officers have confirmed that the comments can be submitted in letter form.

Representations to the Delivery and Site Allocations Plan: Proposed Submission Document (June 2012)

On Map 3 of the DSA Plan, Portland Gardens, and the adjacent West Street Car Park, are allocated for predominantly residential uses (policy MR4). Portland Gardens is also located within

the Marlow Town Centre Boundary on Map 3 (policy DM6). On Map 5, Portland Gardens is located adjacent to, although outside, the Primary Shopping Area (policy DM7).

Chapter 2: The Context

Paragraph 2.10

Do you consider that the Plan is:

- **Legally compliant** – Yes.
- **Sound** – Yes.

JLP understand that as a direct result of the abolition of the South East Plan, the District Council is to undertake a review of its adopted Core Strategy. As part of this Core Strategy Review, new housing targets, based on local assessments of need and supply, are to be set. The Core Strategy Review is also to consider major residential allocations outside of town centres. Furthermore, the Core Strategy Review will have to be assessed against the recently published NPPF.

In light of this, JLP considers that the Core Strategy Review may have implications for its landholding at Portland Gardens and therefore requests that it is kept informed as to the progress of the review. JLP would also welcome the opportunity to continue to comment on the emerging Local Plan and evidence base documents.

Chapter 3: Area Specific Policies

Policy MR4: Portlands

Do you consider that the Plan is:

- **Legally compliant** – Yes.
- **Sound** – No.

Do you consider the Plan is unsound because it is not:

1. **Positively prepared** – No.
2. **Justified** – Yes.
3. **Effective** – No.
4. **Consistent with national policy** – Yes.

If you consider that the Plan is not legally compliant or is unsound please give details of why you consider it to be so.

JLP welcomes the recognition in the DSA Plan of the importance of Portland Gardens as a key regeneration site within Marlow. JLP considers that its delivery will make a significant contribution to the District Council's aspirations for Marlow Town Centre. In addition, it will assist the District Council in meeting its housing target. However, JLP considers that the current wording of policy MR4 may ultimately prejudice the delivery of the site and may therefore cause the DSA Plan to be 'unsound'. JLP therefore wish to make the following comments.

Allocation Requirements / Evidence Base

JLP notes that Portland Gardens is allocated for predominantly residential uses and notes that development proposals should (inter alia) provide for the delivery of the northern section of the link road between West Street and Pound Lane and secure rear servicing to the frontage premises on High Street and West Street. JLP considers that these requirements may result in the DSA Plan being 'unsound'. The rationale for this is set out below.

Portland Alley Link Road

In previous iterations of the DSA Plan, the Portland Alley link road (West Street to Pound Lane) was included as a Transport Improvement Line. The relevant policies stated that planning permission would not be granted for development which prejudiced the delivery of the Transport Improvement Lines (i.e. the link road) identified within the appendices. In its representations JLP considered that there was insufficient evidence to demonstrate the need to continue to protect the link road. JLP therefore suggested that the District Council remove the link road from the list of Transport Improvement Lines in the next iteration of the DSA Plan. The link road has been removed from the list of Transport Improvement Lines in Appendix A and B of the DSA Plan: Proposed Submission Document. However, the requirement to provide for the delivery of the northern part of the link road remains in policy MR4. JLP therefore considers that there is an inconsistency between policies MR4 and DM2 and are of the view that the requirement to provide for the delivery of the northern part of the link road should be removed from policy MR4.

The link road has been the subject of policies in the Marlow Area Local Plan (1990) and Wycombe District Local Plans (1995 and 2004 (amended 2007)). The County Council and District Council have promoted the link road, and it has been included in planning policy, for a minimum of 20 years. Despite this, it has not been delivered. The DSA Plan is to guide development in the District over the Plan period (i.e. to 2026). If the requirement to provide for the delivery of the northern section of the link road is included within the adopted DSA Plan, it will have been protected in planning policy for circa 35 years. JLP considers that this protection should not continue in perpetuity in the absence of any robust evidence of need, viability or deliverability.

JLP considers that there is insufficient evidence to support the requirement to provide for the delivery of the northern section of the link road required by policy MR4. A key theme of the NPPF is that Plans are supported by robust evidence of what infrastructure is needed [our emphasis] to enable the amount of development proposed for an area. In addition, the NPPF requires a Plan to be 'sound' in that it is 'justified' (e.g. the Plan is based on proportionate evidence).

JLP would also query the appropriateness of the link road from a design perspective, principally due to its location within the Conservation Area. The NPPF attaches great importance to the design of the built environment, especially in sensitive locations such as Conservation Areas. JLP considers that the design of a scheme on Portland Gardens would be comprised, and therefore the wider Conservation Area, through the provision of the link road.

JLP has instructed its transport consultant, Glanville, to review the evidence base which supports this requirement. Their findings are appended to this letter of representation. From Glanville's investigations, and in particular their discussions with the Highway Authority, Buckinghamshire County Council, they have seen no evidence to demonstrate that a technical assessment has been conducted to determine whether there is a need for a link road or whether there are the means to

deliver it. Glanville therefore does not consider that the current evidence base is sufficient to demonstrate the need for the link road. Furthermore, the County Council have stated that traffic signals or a roundabout would be required at the junction of the link road with West Street. The County Council recognise that there is insufficient land available to provide for these requirements.

In light of the above, the requirement to provide for the northern part of the link is therefore considered to be 'unsound'. In order for the DSA Plan to be 'sound', JLP considers that the requirement needs to be omitted.

Rear Servicing

JLP also notes that policy MR4 requires the provision of rear servicing to frontage premises on High Street and West Street. JLP would question whether this requirement would meet the tests set out in the NPPF and Community Infrastructure Levy (CIL) Regulations (2010) (as amended) which relate to planning obligations (e.g. necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development), principally as development at Portland Gardens would not negatively affect the servicing of the frontage premises and would therefore not be required for it to be acceptable in planning terms. Furthermore, a key theme of the NPPF is to ensure viability and deliverability through the Plan making process. The NPPF explicitly states that the sites and scale of development identified in the Plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.

JLP also considers that the delivery of this important town centre regeneration site in Marlow may be prejudiced due to the potential loss of developable land associated with this requirement. JLP are also of the view that the existing servicing facilities, which are generally from the front of the premises, are sufficient and do not preclude the frontage premises on High Street and West Street from trading successfully. JLP would also query the suitability of the premises to accept deliveries from the rear; they consider that the characteristics of the premises would not allow rear servicing. JLP would also question how rear servicing would be enforced, especially as the majority of the premises operate from established planning permissions that do not include conditions which require premises to be serviced from the rear. In addition, JLP would query whether the provision of rear servicing is feasible without having to remove a significant number of established trees which are protected due to their location within the Conservation Area and without impacting upon the design of a development in this sensitive location. Glanville has also reviewed the requirement to provide rear servicing from a highway perspective; they do not consider that the current evidence base is sufficient to demonstrate the need for rear servicing. A further matter which Glanville considers pertinent is whether it would be appropriate for large goods vehicles to manoeuvre through a street which is largely residential in character.

In light of the above, the requirement to provide for rear servicing to the frontage premises on High Street and West Street is therefore considered to be 'unsound'. In order for the DSA Plan to be 'sound', JLP considers that the requirement needs to be omitted.

Physical Extent of the Allocation

Map 2 illustrates that the District Council remain of the view that the West Street Car Park should continue to form part of the Portland Gardens allocation. JLP considers that the allocation should solely relate to the physical extent of Portland Gardens (refer to the site plan appended to this letter

of representation) (i.e. the allocation should not include the West Street Car Park). JLP have previously outlined the justification for this view in their submissions to the District Council's Strategic Housing Land Availability Assessment Update (October 2010 and August 2011) and in representations to an earlier iteration of the DSA Plan.

In summary, the submission and representations highlighted the relevant parts of Planning Policy Statement 12 (now superseded by the NPPF), advice from the Planning Inspectorate on basing policies on robust and credible evidence and the identification of land that is needed to deliver development sites. In addition, JLP have reiterated their comments made in respect of the requirement to provide for the delivery of the northern section of the link road (refer above) in the absence of demand and a robust evidence base and have queried whether there are 'reasonable prospects' of its delivery over the Plan period. The link road has not been delivered to date, even though it has been included in planning policy for a minimum of 20 years.

As previously noted, JLP considers that there is no demand or evidence which supports the requirement for a link road. A note prepared by JLP's transport consultants, Glanville, reaffirms this view. JLP is therefore of the view that the West Street Car Park is not needed for the Portland Gardens site to be delivered and therefore should not be included within the extent of the allocation; a predominantly residential development can be accessed solely from Malthouse Way. In light of the above, the extent of the allocation is therefore considered to be 'unsound'. In order for the DSA Plan to be 'sound', JLP considers that the requirement needs to be omitted.

Development Brief

JLP notes that the Portland Gardens Development Brief is currently 'hung off' 'saved' policy M5 of the Local Plan. However, JLP understands that policy G4, which required the preparation of Development Briefs for certain sites, has not been 'saved'. As such, JLP considers that there may be some ambiguity regarding the status in planning terms of the Development Brief.

Notwithstanding the current status of the Development Brief, JLP understands that the DSA Plan will replace a number of the 'saved' policies of the Local Plan. JLP would welcome clarification as to whether 'saved' policy M5 of the Local Plan is to be replaced by policy MR4 of the DSA Plan (once adopted). If this is the case, JLP would welcome further clarification as to whether the Development Brief will 'fall away' or whether it is to be 'hung off' policy MR4 of the DSA Plan. If the Development Brief is to be 'hung off' policy MR4, JLP considers that it should be updated and revised to reflect the current wording of the policy which would relate to Portland Gardens, principally because a number of the physical requirements and financial contributions noted in the Development Brief are no longer appropriate and have been removed during the preparation of the DSA Plan.

JLP would welcome the opportunity to engage with the District Council to discuss its aspirations for Portland Gardens and to agree a way forward to facilitate the delivery of this important regeneration site in Marlow.

Please set out what change(s) you consider necessary to make the Plan legally compliant or sound, having regard to the test you have identified above where this relates to soundness. You will need to say why this change will make the Plan legally compliant or sound.

As noted above, JLP are of the view that policy MR4 may be 'unsound' on a number of matters. However, JLP considers that the following (inter alia) could result in policy MR4 being found sound:

- Removal of the requirement to provide for the delivery of the northern part of the link road between West Street and Pound Lane;
- Removal of the requirement to provide secure rear servicing to frontage premises on High Street and West Street;
- That the physical extent of the allocation should relate solely to Portland Gardens (i.e. exclude the West Street Car Park).

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

Yes. JLP would like to participate in the oral part of the examination on this matter.

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

As JLP's landownership at Portland Gardens is explicitly allocated for predominantly residential accommodation, JLP considers it important to participate in all relevant topics to ensure a comprehensive and co-ordinated approach is taken to bring the site forward for development.

Chapter 6: District-Wide Development Management Policies

Policy DM1: Transport Requirements for Development Sites

Do you consider that the Plan is:

- **Legally compliant** – Yes.
- **Sound** – No.

Do you consider the Plan is unsound because it is not:

1. **Positively prepared** – No.
2. **Justified** – No.
3. **Effective** – No.
4. **Consistent with national policy** – Yes.

If you consider that the Plan is not legally compliant or is unsound please give details of why you consider it to be so.

JLP notes that the design of development should adhere to a number of physical requirements which are set out in policy DM1. These include (inter alia) allowing for the penetration of buses through sites. JLP considers that the design of development should only be required to adhere to the transport requirements noted in policy DM1 where there is a demonstrated need which is supported by robust evidence. This is reflected in the recently published NPPF. The NPPF also requires Local Planning Authorities to avoid unnecessary obligations in their plan making,

particularly where this would undermine the viability of development proposals. JLP considers that policy DM1 is inconsistent with the NPPF in this regard and therefore considers that it may be 'unsound' on this matter.

Please set out what change(s) you consider necessary to make the Plan legally compliant or sound, having regard to the test you have identified above where this relates to soundness. You will need to say why this change will make the Plan legally compliant or sound.

As noted above, JLP are of the view that the current wording of policy DM1 may be 'unsound' having regard to the NPPF's requirement to avoid unnecessary obligations in their plan making. JLP consider that the drafting of policy DM1 should be amended to reflect this key theme of the NPPF.

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

Yes. JLP would like to participate in the oral part of the examination on this matter.

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

As JLP's landownership at Portland Gardens is explicitly allocated for predominantly residential accommodation, JLP considers it important to participate in all relevant topics to ensure a comprehensive and co-ordinated approach is taken to bring the site forward for development.

Policy DM2: Transport Improvement Lines

Do you consider that the Plan is:

- **Legally compliant** – Yes.
- **Sound** – Yes.

In earlier iterations of the DSA Plan, the Portland Alley Link Road (West Street to Pound Lane) was included as a Transport Improvement Line. The policies sought to protect Transport Improvement Lines. This protection has continued in policy DM2 of the DSA Plan: Proposed Submission Document which states (inter alia) that planning permission will not be granted for development which prejudices the delivery of Transport Improvement Lines.

In its representations to previous iterations of the DSA Plan, JLP considered that there was insufficient evidence to demonstrate the need to continue to protect the link road. JLP therefore suggested that the District Council removed the link road from the list of Transport Improvement Line in the DSA Plan. The link road has subsequently been removed from the list of Transport Improvement Lines in Appendix A and B of the DSA Plan: Proposed Submission Document.

JLP welcomes the removal of the Portland Alley Link Road from the list of Transport Improvement Lines in the current iteration of the DSA Plan and considers that the DSA Plan is now 'sound' on this matter.

Policy DM7: The Primary Shopping Areas

Do you consider that the Plan is:

- Legally compliant – Yes.
- Sound – No.

Do you consider the Plan is unsound because it is not:

1. Positively prepared – No.
2. Justified – Yes.
3. Effective – No.
4. Consistent with national policy – No.

If you consider that the Plan is not legally compliant or is unsound please give details of why you consider it to be so.

JLP notes that Portland Gardens is included within the Town Centre Boundary on Map 3. Accordingly, policy MR4 explicitly states that proposals for main town centre uses at Portland Gardens may be appropriate, as long as they are of a small scale and support the Town Centre. However, Portland Gardens is located adjacent to, although outside, the Primary Shopping Area which is illustrated on Map 5. Policy DM7 states that outside of the Primary Shopping Area, retail development and all other defined main town centre uses will only be permitted where they satisfy the national planning policy tests for such development. Therefore, whilst policy DM7 does not preclude retail and other defined main town centre uses on sites such as Portland Gardens, the drafting of the policy is not as supportive as policy MR4.

In light of the above, JLP considers that there is an inconsistency between policy MR4, DM7 and Map 5. JLP considers that Portland Gardens should fall within the Marlow Primary Shopping Area as, consistent with policy MR4, other town centre uses, either independently or as part of a comprehensive redevelopment, may be appropriate. JLP considers that the DSA Plan may be 'unsound' on this matter.

Please set out what change(s) you consider necessary to make the Plan legally compliant or sound, having regard to the test you have identified above where this relates to soundness. You will need to say why this change will make the Plan legally compliant or sound.

JLP considers that Portland Gardens should be included within the Marlow Primary Shopping Area, principally to reflect the positive support for main town centres uses included in policy MR4. JLP considers that including Portland Gardens within the Marlow Primary Shopping Area would be the most appropriate strategy, when considered against the reasonable alternatives (i.e. excluding it from the Marlow Primary Shopping Area), and based on proportionate evidence, including policy MR4.

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

Yes. JLP would like to participate in the oral part of the examination on this matter.

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

As JLP's landownership at Portland Gardens is explicitly allocated for predominantly residential accommodation, JLP considers it important to participate in all relevant topics to ensure a comprehensive and co-ordinated approach is taken to bring the site forward for development.

I trust that the above is helpful. I would be grateful if you could confirm receipt of this letter and that the representations have been duly made. As noted above, JLP considers it necessary to participate in the oral examination and look forward to hearing from the Inspector regarding the arrangements for this. I would also be grateful if JLP can be kept up-to-date on the process of consideration of these representations.

Yours faithfully,

TOM PIKE
SENIOR PLANNER - PLANNING
CBRE Limited for and on behalf of John Lewis Partnership.

Enc. Site Plan;
TR8120685/MF/LR/001.
C.c. J. Rennie, John Lewis Partnership;
S. Gregory, John Lewis Partnership;
S. Wright, John Lewis Partnership;
I. Anderson, CBRE Limited;
E. Mason, CBRE Limited.

Portland Gardens, Marlow



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Our Ref: TR8120685/MF/LR/001

12 July 2012

Mr T Pike

Dear Tom

PROPOSED LINK ROAD - PORTLANDS SITE, MARLOW

I refer to the proposed link road identified by Policy MR4 within Wycombe District Council's Proposed Submission Delivery and Site Allocations Plan dated June 2012 in relation to the Portlands Development in Marlow.

As requested, I have reviewed the technical transport reports (CD3.2.1 to 3.2.13) listed within the Delivery and Site Allocations Plan Core Document List. I have also spoken to Graham Smith at Buckinghamshire County Council Highways and David Dewar at Wycombe District Council Planning.

From my investigations to date and in particular my discussion with Graham Smith, there appears to be no technical assessment that has been carried out or available to determine either the need for a link road or whether there are the means to deliver it. Its layout seems to be based on no more than hand drawn sketches. Nevertheless, it is identified within the draft Wycombe District Improvement Line Review document dated June 2012 (CD2.7) as being *"proposed for retention and safeguarding, together with schemes that are being retained pending more detailed review."*

Although the District Council currently have this on their wish list to alleviate congestion on the High Street, advice from the County Council is that they could not sustain an argument for a link road as its junction with West Street would need to be signalised or a roundabout provided. Neither of these options are viable due to the physical constraints of highway land available. The County Council would accept vehicular access via Malthouse Way subject to installation of double-yellow lines to prevent on-street parking and widening of Portlands Alley to around 3m. An access to the site from West Street for emergency vehicles only might also be required but this would need to be considered further.

I trust this information is of help and please do not hesitate to contact me if you have any queries.

Yours sincerely



Mike Ford
Glanville Consultants

07 September 2012

By Post and Email

Dear Sir / Madam,

WYCOMBE DEVELOPMENT FRAMEWORK – PROPOSED PRE-EXAMINATION CHANGES TO PLANS IN THE PROPOSED PUBLICATION VERSION OF THE DELIVERY AND SITE ALLOCATIONS PLAN (JULY 2012)

CBRE Limited acts as planning advisors to the John Lewis Partnership (JLP) with respect to their land interest at Portland Gardens, Marlow. CBRE Limited is instructed by JLP to submit representations to the Wycombe Development Framework – Proposed Pre-Examination Changes to Plans in the Proposed Publication Version of the Delivery and Site Allocations Plan (DSA Plan) (July 2012) in respect of their landholding. JLP welcomes the continued opportunity to engage with the District Council with regards to the Wycombe Development Framework.

On behalf of JLP, CBRE Limited submitted representations to the DSA Plan: Proposed Submission Document (June 2012). The representations included a description of Portland Gardens, its current planning policy context and briefly summarised the responses submitted to date to the District Council's Strategic Housing Land Availability Assessment and earlier iterations of the DSA Plan.

In relation to Portland Gardens, the representations to the DSA Plan: Proposed Submission Document considered that:

- The allocation should solely relate to the physical extent of Portland Gardens (i.e. the allocation should exclude the West Street Car Park), principally as the West Street Car Park is not needed for the site to be delivered. As such, JLP requested that the physical extent of the allocation should be amended for the DSA Plan to be 'sound';
- There was insufficient evidence to support the requirement to provide for the delivery of the northern part of the Portland Alley Link Road. In addition, and following discussions with Buckinghamshire County Council, it was recognised that there is insufficient land available for the physical infrastructure (i.e. traffic signals or a roundabout) required to facilitate the link road. As such, JLP requested that the requirement should be omitted in order for the DSA Plan to be 'sound';

- There was insufficient evidence to support the requirement to provide for rear servicing to the frontage premises on High Street and West Street. In addition, JLP was of the view that the frontage premises may not be able to accept deliveries from the rear and queried how rear servicing would be enforced. As such, JLP considered that the requirement should be omitted in order for the DSA Plan to be 'sound'.

A copy of the submitted representations is appended to this letter. It is in this context that the comments set out below are made. Officers have confirmed that the comments can be submitted in letter form.

Representations to the Proposed Pre-Examination Changes to Plans in the Proposed Publication Version of the Delivery and Site Allocations Plan (July 2012)

The District Council has proposed a number of pre-examination changes to Map 19 of the Proposed Publication Version of the DSA Plan. The changes include (inter alia) the provision of a 'Corridor Opportunity Area' between West Street and Pound Lane via Portlands Alley, to the west of Portland Gardens.

Map 19

Please state the nature of your representation. Be precise as possible.

JLP notes the requirement in policy DM10 that all development (where appropriate) will be required to contribute towards (inter alia) the delivery of Corridor Opportunity Areas, including between West Street and Pound Land via Portlands Alley. JLP also notes that all development proposing new green spaces or green links should be provided in a way that retains, reinforces or creates links within and to the Green Infrastructure Network so as to promote recreation, biodiversity and non-motorised access

JLP supports the principle of policy DM10, which seeks the provision of green links that provide attractive, convenient routes for both wildlife and people, and Map 19, which identifies the Corridor Opportunity Areas. However, JLP considers that any contributions towards the Corridor Opportunity Areas should not be of a scale as to threaten the financial viability of development coming forward. Fundamentally, planning obligations should only be sought where they meet all of the statutory Community Infrastructure Levy (CIL) Regulations 122 tests. JLP also notes the National Planning Policy Framework (NPPF) (March 2012) which states that Local Planning Authorities should avoid unnecessary obligations, particularly where they would undermine the viability of development proposals and that to ensure viability the costs of any requirements to be applied to a development should provide acceptable returns to a willing land owner and willing developer.

JLP is of the view that Map 19 and policy DM10 are not consistent with the NPPF in this regard and therefore considers that they may be 'unsound' on this matter.

Please set out what change(s) you consider necessary.

As noted above, JLP are of the view that Map 19 and the current wording of policy DM10 may be 'unsound' having regard to the NPPF's requirement to avoid unnecessary obligations in plan-making. JLP therefore considers that the current wording of policy DM10 should be amended to

reflect this key theme and that Map 19 should be amended to remove the requirement for a Corridor Opportunity Area between West Street and Pound Lane via Portlands Alley.

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

Yes. JLP would like to participate in the oral part of the examination on this matter.

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

As JLP's landownership at Portland Gardens is explicitly allocated for predominantly residential accommodation, JLP considers it important to participate in all relevant topics to ensure a comprehensive and co-ordinated approach is taken to bring the site forward for development.

I trust that the above is helpful. I would be grateful if you could confirm receipt of this letter and that the representation has been duly made. As noted above, JLP considers it necessary to participate in the oral examination and look forward to hearing from the Inspector regarding the arrangements for this. I would also be grateful if JLP can be kept up-to-date on the process of consideration of these representations.

Yours faithfully

TOM PIKE
SENIOR PLANNER - PLANNING

CBRE Limited for and on behalf of John Lewis Partnership.

- Enc. Representations on behalf of the John Lewis Partnership to the Delivery and Site Allocations Plan: Proposed Submission Document (June 2012)
- C.c. J. Rennie, John Lewis Partnership;
S. Gregory, John Lewis Partnership;
S. Wright, John Lewis Partnership;
I. Anderson, CBRE Limited;
E. Mason, CBRE Limited.

Jerry Unsworth – Head of Planning & Sustainability

Tom Pike

Your Ref:
Our Ref: DSA12/011
Enquiries to: David Dewar
Direct Line:
Fax No:
Email:
Minicom No: (01494) 413588
Date: 16 April 2013

Dear Tom

DELIVERY AND SITE ALLOCATIONS PLAN: PROPOSED SUBMISSION DOCUMENT (JUNE 2012): WRITTEN REPRESENTATIONS ON BEHALF OF JOHN LEWIS PARTNERSHIP

Thank you for your representation on the Wycombe District Council Delivery and Site Allocations Plan (DSA). Following consideration of the responses, I am writing to confirm that we are proposing to make changes to the Plan following your representation.

In detail, these proposed changes – relating to **Policy MR4 Portlands** - are set out below. The changes made in response to your representation relate to Clause 1, points (d) and (g), and Map 2. Text that will be added is shown as **bold text**; deletions are ~~struck through~~.

Reference	Proposed Revision
Clause 1	<p>Development proposals should:</p> <ul style="list-style-type: none"> a) be consistent with the townscape and Conservation Area character of the town centre; b) Maximise accessibility to and through the site for pedestrians and cyclists; c) Provide for the main vehicular access to the development Be accessed from the south of the site; d) Provide for the delivery of the northern section of the link road between West Street and Pound Lane, consistent with townscape character, should it be required for future use by general through-traffic in order to alleviate congestion on the High Street and support alternative bus routing

	<ul style="list-style-type: none"> e) Extinguish existing vehicular access to High Street (except for emergency vehicles); f) Retain Portlands Alley; g) Secure rear servicing to frontage premises on High Street and West Street; h) Retain 24 hours pedestrian/cycle access to High Street, West Street, Pound Lane including the retention of Portlands Alley as a quality pedestrian link; and; i) Retain mature trees where possible;
Map 2	Remove West Street Car Park from the allocation

The rest of the policy would remain unaltered.

As I mentioned on the telephone, the Council submitted the DSA to the Planning Inspectorate for examination on Thursday 20th September. Therefore, I would be very grateful if you could let me know in writing your views on the proposed changes to this policy, and specifically whether you agree with the changes such that you are able to withdraw your objection to the policy as redrafted. We will then submit both the proposed changes and your response to them to the inspector as part of the examination material. Please could you respond by **5.00pm on Monday 8th October**.

Please do not hesitate to contact me if you have any further queries.

Yours sincerely

David Dewar

David Dewar
Planning Policy Officer



David Dewar
Wycombe District Council - Planning Policy Team

27 September 2012

By Post and Email

Dear David,

PORTLAND GARDENS; MARLOW

DELIVERY AND SITE ALLOCATIONS PLAN: PROPOSED SUBMISSION DOCUMENT (JUNE 2012)

I write regarding your letter which I received on 24th September 2012. The letter confirmed that the District Council is proposing to make changes to the Deliver and Site Allocations Plan, including to Policy MR4 which relates specifically to John Lewis Partnerships' (JLP) landownership at Portland Gardens, Marlow. I understand that the District Council is proposing to amend the allocation so that Policy MR4 relates solely to Portland Gardens (i.e. remove the West Street Car Park from the allocation). In addition, the District Council is proposing to amend the policy as follows (additions shown in bold; deletions are ~~struck through~~):

'Development proposals should:

- a) *be consistent with the townscape and Conservation Area character of the town centre;*
- b) *maximise accessibility to and through the site **for pedestrians and cyclists;***
- c) ***provide for the main vehicular access to the development** ~~be accessed from the south of the site;~~*
- d) *~~provide for the delivery of the northern section of the link road between West Street and Pound Lane, consistent with townscape character, should it be required for future use by general through traffic in order to alleviate congestion on the High Street and support alternative bus routing;~~*
- e) *extinguish existing vehicular access to High Street (except for emergency vehicles);*
- f) *~~retain Portlands Alley;~~*

- g) ~~secure rear servicing to frontage premises on High Street and West Street;~~
- h) retain 24 hours pedestrian / cycle access to High Street, West Street, Pound Lane including the retention of Portlands Alley as a quality pedestrian link;
- i) retain mature trees where possible.'

I have discussed the District Council's proposed amendments with JLP. JLP welcomes and supports the proposed amendments and wishes to withdraw their objections to the Portland Gardens allocation and Policy MR4 set out in its representations to the Delivery and Site Allocations Plan: Proposed Submission Document (June 2012).

I understand that the District Council intends to submit the proposed changes to the Portland Gardens allocation and Policy MR4, as well as this letter, to the Inspector as part of the examination material. I would be grateful if copies of the correspondence can be provided to JLP. I would also be grateful if JLP could be kept up-to-date with the forthcoming Examination.

Yours sincerely

TOM PIKE
SENIOR PLANNER - PLANNING
CBRE Limited for and on behalf of John Lewis Partnership

C.c. J. Rennie, John Lewis Partnership;
S. Gregory, John Lewis Partnership;
S. Wright, John Lewis Partnership;
I. Anderson, CBRE Limited;
E. Mason, CBRE Limited.