

## CHELVESTON CUM CALDECOTT NEIGHBOURHOOD PLAN 2015-2035 East Northamptonshire Council Consultation Response

Please refer to the plan and policies at <http://ndp.chelveston.org.uk/NDP-Our-Plan>. Details of how to respond are detailed below. Use additional pages as necessary.

Responses to be sent to:-

### EMAIL

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**ONLINE:** <http://ndp.chelveston.org.uk/comment>

## DEADLINE FOR RESPONSES: 09:00, Monday 9<sup>th</sup> March 2015

### General comments

The Plan appears to be bold, imaginative and visionary. In this regard, East Northamptonshire Council is keen to help and support Chelveston cum Caldecott in its aims to prepare a Neighbourhood Plan for the Parish, in any way that we (as the local planning authority) are able.

Planning Officers have reviewed the policies within the Plan and from a Development Management (DM) point of view there are a number of concerns regarding the “tone” of several policies. The overall view is that many of the policies appear to be excessively restrictive within the context of the National Planning Policy Framework (NPPF) and the requirement for Neighbourhood Plans to “*plan positively to support local development*” (NPPF paragraph 16).

The wording of policies has tended to be very prescriptive and often duplicates things which would already be considered under existing Local Plan development management policies e.g. amenity.

### Section 5.1. Housing Development Policies

Do you agree with the policies in this section – YES NO N/A

Comments

#### Overall housing approach:

Your general approach to housing appears to be not to allow any further development, except at the ‘allocated sites’ to ensure the existing character is preserved. This is exceptionally negative and is not positive planning nor does it support sustainable development. It would therefore be likely to fail at examination.

In terms of positive planning you may find that all your goals, aspirations and policy objectives can be met through a simple redrafting of policies which would then accord with national policy but also make the policy more robust and useable for those who are to implement them, for example:

A basic housing policy could be worded along the lines of –

*“Planning Permission for housing infill development or the reuse of brownfield land will be granted where:*

- a) The development preserves and/or enhances the existing character of the settlement; this can be achieved through*
  - i) Appropriate design is proposed that is in keeping with the surrounding vernacular*
  - ii) The development proposes materials that are in keeping or sympathetic to neighbouring development, especially where there are sensitive buildings (e.g. Listed Buildings)*
  - iii) The proposal doesn’t have an adverse impact on the existing form of the settlement and does not go against the ‘grain’ of development.*
  - iv) The scale and density of the development is appropriate for the site (this may have been identified through another policy)*
- b) The development does not lead to the loss of a viable community facility*
- c) The development does not have a negative impact on Local Green Spaces or other sensitive receptors e.g. Local Wildlife Sites etc.”*

Whilst is not necessarily proposed that you should use this policy as it may not be appropriate, it is an example of positive wording whilst meeting the potential objectives that a Neighbourhood Plan might propose.

It is also appropriate to note that we have some concern that the evidence that underpins your policies may not be robust. The evidence doesn’t appear to explain why the housing number and type proposed is appropriate. Your evidence base online shows appraisals and surveys of existing house types, number of bedrooms at Chelston Rise and density, but a dedicated housing needs survey and or housing requirements analysis may go some way to support your aspirations. This may also give appropriate evidence of the type of housing required and you will then be able to justify why these infill sites are appropriate for what you propose.

**Policy H1** appears to restrict new development to the allocated sites (Figures 5.2-5.4). It states that no housing development will be allowed on open land outside or adjacent to the defined settlement boundaries. This does not conform to the adopted North Northamptonshire Core Spatial Strategy (2008), which states that: *“Development adjoining village boundaries will only be justified where it involves the re-use of buildings or, in exceptional circumstances, if it can be clearly demonstrated that it is required in order to meet local needs for employment, housing or services”* (Policy 1). For example, consideration may need to be given to allowing a small affordable housing development on an exception site in order to meet identified housing need in the villages.

Also, the reference to “in-fill” development appears to be slightly misleading. The proposed developments could be more accurately referred to as *“small scale sites in and around the three villages”*. Furthermore, Policy H1 should also include provision for other appropriate unallocated (i.e. *“windfall”*) development sites to come forward.

**Policy H2** – The re-use of redundant, traditional farm buildings is a significant consideration for a rural Neighbourhood Plan. The policy objective, to permit the re-use of existing, but redundant, farm buildings, as residential dwellings whilst preserving the essential character of the settlements, is appropriate. However, it should be noted that the NPPF sets out a general presumption in favour of development that *“would re-use redundant or disused buildings and lead to an enhancement to the immediate setting”* (NPPF paragraph 55). The proposals to restrict such development until beyond 2025 (i.e. phasing) and entirely preclude the re-development of modern farm buildings for residential use would not, therefore, accord with the NPPF.

Current permitted development rights allow for the conversion of agricultural buildings to residential use by way of Prior Notification, as opposed to planning permission. It must be noted that policies for managing the change of use from agricultural to residential use should reflect current regulations.

Policy H2(iii) seeks to restrict residential conversions of agricultural buildings to a maximum of 5 units. This would appear to be overly restrictive; a better approach may be that: *“development schemes involving the conversion of redundant farm buildings will be supported, where the scale and/ or number of units would not adversely affect the amenity of surrounding areas”*.

**Policy H3** relates to “backland” development, a longstanding issue for development management in respect of minor schemes. H3 refers to *“at least two”* criteria. This is likely to lead to inconsistency in decision making. It is suggested that development: *“will be permitted in accordance with the following criteria...”* in order to ensure that the policy is positively worded.

Certain criteria within H3(iii) – *“loss of daylight”* – is not a material planning issue, except where the an affective room is “habitable” (living, dining, bedrooms) and *“loss of a view”* is never a material consideration. Reference may be made to related matters such as overbearing or overshadowing, although these issues are covered by CSS Policy 13 in any event. The *“loss of mature vegetation”* is not a matter that could be enforced (except in respect of protected trees/ TPOs); although existing vegetation would be assessed in any event as part of the development management process.

**Policy H4** (H4(a), H4(b) etc) appears to be overly negative; e.g. *“No development will be permitted...”*. A more positive form of words should be applied throughout, such as: *“Planning permission will be granted for new development adjacent to The Green, provided this will preserve, enhance and complement the styles...”*. References to the War Memorial and individual properties may be better placed within the supporting text, to explain how the policy would work in practice.

The reference in H4(g), *“to allow the new residents to be effectively integrated in the community”* appears to be a policy objective, rather than a policy criterion. It may therefore be more appropriate to incorporate this into the “Policy Objective” section.

H4(h) appears to wholly preclude any new residential development within or adjacent to Caldecott. This would appear to be excessively inflexible and negative, and not in accordance with national or local policies.

**Policy H5** seeks to ensure a phased approach to development during the Plan period. This remains a worthy aspiration in terms of positive planning, although in practice it would not be possible to refuse an application on the grounds that a deliverable scheme is coming forward “too early”.

**Policy H6** needs to be compliant with the 2010 Community Infrastructure Levy Regulations (as amended). It is unclear whether H6(i) and H6(ii) would be compliant with these regulations, although contributions towards these local infrastructure projects may be secured through conditions or other mechanisms.

## Section 5.2. Amenity Policies

Do you agree with the policies in this section – YES NO N/A

Comments

**ACV** – In the context of policy ACV, the reference to “material consideration” is a factual statement, as opposed to a policy criterion. In this regard, reference to a “material planning consideration” would be better included within the Policy Justification.

**ALT** – References to “*permanent structures*” (ALT(ii)) and “*temporary structures...subject to a planning application determined by the Parish Council*” are incorrect in this context. Allotment sheds are permanent structures for development management purposes, while East Northamptonshire Council retains responsibility for determining planning applications (except in the case of a Neighbourhood Development Order).

**LGS** – “*...no development will be permitted*” represents negative wording. It would be better to say that: “*Permission will only be granted for development at the designated Local Green Spaces where this would not..., or where this would enhance the status of the designated site*”. The policy, as worded, would prevent development which could support the use of public green spaces (e.g. installation of new play equipment).

**TRF** asks that all developments should show how they are improving the situation. This is a worthy aspiration, although planning permission could not be refused unless it could be demonstrated that a development would make matters worse. All traffic and parking improvements would need to be shown to be CIL compliant.

### Section 5.3. Employment, Industrial and Commercial Policies

Do you agree with the policies in this section – YES NO N/A

Comments

**EC(iii)** – “*...the expansion or development of other businesses within the settlement boundaries will be resisted*” is overly negative. Neighbourhood Plans must be positive in their approach to economic development, so it would be better to express the policy insofar as “*the expansion of businesses within the settlement boundaries will be supported, unless these would have unacceptable impacts upon the amenity of local residents...*”

**EC1** – In general terms, the policy criteria specified in respect of the Star & Garter and Wildacre Residential Home are considered to be overly narrow and prescriptive. In the case of EC1(a), retention of the Star & Garter is already specified through policy ACV. Enhancement of these businesses is strongly supported by many policies in the NPPF, adopted CSS and the emerging North Northamptonshire Joint Core Strategy (JCS) review. For these reasons, the specific/ individual EC1 policies for the Star & Garter and Wildacre do not appear to add anything significant to the existing and emerging replacement Local Plan (CSS and JCS) policy framework.

EC1d(iii) regarding HGV traffic movements would be difficult to control, although it may be possible to work with the County Council to secure weight restrictions upon the route through Caldecott and Chelston Rise.

**REN** – It is understood that the Plan is keen to set out a distinction between previously developed and greenfield land within the former Chelveston Airfield. It is unclear, however, how the distinctions specified in REN1 are compliant with the NPPF Annex 2 definition for previously developed land.

Whether land is greenfield” or “brownfield” (previously developed) is related to its current or most recent use and in development management the local planning authority would not give a formal determination of whether something is a lawful existing use, except where a certificate of lawfulness has been applied for. Therefore, the differentiation between previously developed and greenfield land within the curtilage of the former Airfield, as expressed in REN, could raise issues in determining future planning applications.

#### **Section 5.4. Monitoring and review of the plan**

Do you agree with the policies in this section – YES NO

Comments

The proposed Plan timescale (2015-35) does not accord with the emerging Local Plan period (2011-31). Accordingly, it is proposed that the Plan period ought to be 2015-31, in order to correspond to the new Local Plan. Otherwise, it is questionable whether the Neighbourhood Plan would be in conformity with the Local Plan; one of the “basic requirements” for Neighbourhood Plans.

#### **Other comments**

Overall, the hard work and enthusiasm in taking the Neighbourhood Plan forward must be commended. However officers have a number of concerns regarding the negative form of words expressed in a number of policies.

Rigid checking of whether the evidence that you have collected clearly supports and feeds in to your policies is required. For example, checking of whether your ‘Local Green Spaces’ meet the national criteria would be appropriate – this principle of checking needs to be applied across all of your policies and designation as there does appear to be a deal of conflict with the NPPF, the existing and emerging Core Spatial Strategies and potentially the emerging Four Towns Plan.

Before the plan is submitted, it may be helpful to seek professional advice (e.g. Planning Aid – this is a free service) in redrafting policies to ensure that these fulfil the ‘basic requirements’ against which the Neighbourhood Plan will be assessed. They will also be able to look at whether your proposed policies are in accordance with national policy, local policy and also point you in the right direction of where evidence may be lacking or does not support your policies.

We appreciate you have cracked on and have done a great deal of work, you have gone along way to producing your plan. A few positive steps in the right direction and opening communication with Planning Aid, and ourselves at ENC should wish to, and you will I’m sure have a robust and positive Neighbourhood Plan that meets your vision and goals.

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