

**Chelveston-cum-Caldecott Neighbourhood Development Plan**

**ENC Consultation Response to Version 2 - Working Party Responses – update following meeting 12 November 2015**

Heading	ENC Comments	Working Party (WP) Response
General Comments	<p>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.</p> <p>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 <b>“tone”</b> 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 <i>“plan positively to support local development”</i> (NPPF paragraph 16).</p> <p>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.</p> <p><b>Text in red - comments made by Mike Burton (ENC Senior Planning Policy Officer) in an email dated 13 November 2015 following a meeting the Working Party had with him on 12 November 2015.</b></p>	<p>Based on the National Planning Policy Framework (MPPF), Chelveston-cum-Caldecott is not designated as an area for growth.</p> <p>Residents have expressed a willingness to grow by 20%.</p> <p>We should include a statement confirming what the residents told us they were prepared to accept in terms of the amount of permitted growth, the phasing and the reasons behind this. This is based on the results of the poll.</p> <p>The WP agreed to review the tone of the drafting and adjust where appropriate.</p> <p>The WP proposed to invite Michael Burton to a meeting in October to explain our approach as well as to discuss his statements and our responses. This response should be issued in advance.</p> <p><b>Text in blue - notes of comments made by Mike Burton (ENC Senior Planning Policy Officer) at a meeting the Working Party had with him on 12 November 2015.</b></p> <p><b>Mike Burton was extremely complementary about the content and quality of the Plan and stated “I am impressed with how things are going and the strong determination and enthusiasm that you clearly all have”. He also stated that “going through the wording, in all cases you have given clear consideration to our comments and where you are not looking to take these on board you have provided a clear explanation”.</b></p> <p><b>The Working Party unanimously agreed that the meeting was extremely beneficial and that there was a clear message from</b></p>

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		<p>Mike Burton that ENC supported the Plan. Indeed, Mike made reference to the fact that he had referred other Parish Councils, who were considering preparing an NDP, to our website as an example of the way it should be done.</p>
<p>Section 5.1. Housing Development Policies</p>	<p><b>Overall housing approach:</b></p> <p>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.</p> <p>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:</p> <p>A basic housing policy could be worded along the lines of –</p> <p><i>“Planning Permission for housing infill development or the reuse of brownfield land will be granted where:</i></p> <ul style="list-style-type: none"> <li><i>a) The development preserves and/or enhances the existing character of the settlement; this can be achieved through</i> <ul style="list-style-type: none"> <li><i>i) Appropriate design is proposed that is in keeping with the surrounding vernacular</i></li> <li><i>ii) The development proposes materials that are in keeping or sympathetic to neighbouring development, especially where there are sensitive buildings (e.g. Listed Buildings)</i></li> </ul> </li> </ul>	<p>We could include a statement on why a Housing Needs Survey was not commissioned, however the results of the poll clearly states what growth the residents are prepared to consider.</p> <p>We should describe how proposed growth within the Plan compares to the last 20 years, and make reference to the statistics that we have on previous actual growth.</p> <p>We should refer to details of previous surveys and use as evidence.</p> <p>The WP decided that we do not need to change this section but provide evidence for its rationale.</p> <p>We need to refer to villager’s views and requirements – this is what the residents said they wanted based on the poll.</p> <p>Based on the current policies in place, growth is not mandatory.</p> <p>The WP considers that the proposed revised wording is unnecessary.</p> <p>What is meant by ‘your policies may not be robust’?</p> <p>The WP considers that a housing needs survey was not required based on the results of the poll and previous parish surveys. We should however, support this with a growth analysis based on previous surveys and evidence from the last 20 years.</p>

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	<p>iii) <i>The proposal doesn't have an adverse impact on the existing form of the settlement and does not go against the 'grain' of development.</i></p> <p>iv) <i>The scale and density of the development is appropriate for the site (this may have been identified through another policy)</i></p> <p>b) <i>The development does not lead to the loss of a viable community facility</i></p> <p>c) <i>The development does not have a negative impact on Local Green Spaces or other sensitive receptors e.g. Local Wildlife Sites etc."</i></p> <p>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.</p> <p>It is also appropriate to note that we have some concern that the evidence that underpins your policies may <b>not be robust</b>. 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, <b>but a dedicated housing needs survey and or housing requirements analysis may go some way to support your aspirations</b>. 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.</p>	<p>Mike Burton told the working party not to get too hung up on the ENC comments in this section as they are an illustration of positive wording.</p>

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	<p><b>Policy H1</b> 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: <b><i>“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,</i></b> 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.</p> <p>Also, the reference to “in-fill” development appears to be slightly misleading. The proposed developments could be more accurately referred to as <b><i>“small scale sites in and around the three villages”</i></b>. Furthermore, Policy H1 should also include provision for other appropriate unallocated (i.e. “windfall”) development sites to come forward.</p>	<p>We have allowed for existing buildings to be re-used</p> <p>JST has received outline planning as a site for re-use as housing</p> <p>Note that the JST site will provide affordable housing.</p> <p>The WP does not believe that there are any ‘identified housing needs’.</p> <p>The WP did not understand some of the statements made by ENC in this section which appears to be contradictory.</p> <p>What is meant by ‘in-fill’?</p> <p>The WP considers that the statement in the Plan relating to windfall sites does not require changing.</p> <p>What is meant by ‘small scale sites in and around three villages’?</p> <p>The WP considers that statement by ENC on windfall sites appears to defeat the object of the plan.</p>
	<p><b>Policy H2</b> – 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. <b>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).</b> The proposals to restrict such development until beyond 2025 (i.e. phasing) and entirely preclude the re-development of modern farm</p>	<p>Clarity is required from ENC on the statements made against Policy H2.</p> <p>Part of the reasoning behind restrictive growth (phasing) reflects the fact that the village has no amenities and that we should seek to achieve sustainable growth.</p> <p>If the village was to grow by 100%, we would still not have enough people to sustain schools and shops etc.</p> <p>The WP agreed to remove the reference to ‘a maximum of 5</p>

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	<p>buildings for residential use would not, therefore, accord with the NPPF.</p> <p>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.</p> <p>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: <i>“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”</i>.</p> <p><b>Policy H2 – Barn conversions – Given national policy direction (NPPF paragraph 55), it may be pertinent to set out additional supporting text in the Plan, to the effect that: “Locally there are circumstances...”, to help bolster Policy H2 while not losing any of its clarity or direction.</b></p>	<p>units’ and replace with the drafting proposed by ENC.</p> <p>Consider the use of alternative wording such as ‘taken into account’, ‘considered’ or ‘local circumstances dictate’.</p>
	<p><b>Policy H3</b> 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: <i>“will be permitted in accordance with the following criteria...”</i> in order to ensure that the policy is positively worded.</p> <p>Certain criteria within H3(iii) – <i>“loss of daylight”</i> – is not a material planning issue, except where the an affective room is “habitable” (living, dining, bedrooms) and <i>“loss of a view”</i> is never a material consideration. Reference may be made to related matters such as</p>	<p>The WP agreed to remove references to loss of light and view etc. and to delete drafting back to “amenities of neighbouring”.</p> <p>The WP agreed to replace current drafting with <i>“will be permitted in accordance with the following criteria...”</i> to make it more positive. Use the term ‘considered’ instead of permitted or granted.</p>

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	<p>overbearing or overshadowing, although these issues are covered by CSS Policy 13 in any event. The <i>“loss of mature vegetation”</i> 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.</p>	
	<p><b>Policy H4</b> (H4(a), H4(b) etc) appears to be overly negative; e.g. <i>“No development will be permitted...”</i>. A more positive form of words should be applied throughout, such as: <i>“Planning permission will be granted for new development adjacent to The Green, provided this will preserve, enhance and complement the styles...”</i>. <b>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.</b></p> <p>The reference in H4(g), <i>“to allow the new residents to be effectively integrated in the community”</i> 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.</p> <p>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.</p>	<p>The WP consider that no change in drafting is required except as noted. This is not a designated development area or aspirational site. See mark up in V2 page 38</p> <p>Include references as suggested.</p> <p>The WP agreed to move <i>“to allow the new residents to be effectively integrated in the community”</i> as suggested.</p> <p>Review this section and include references to individual buildings.</p> <p>The statements made in H4(h) reflect the results of the Poll, what the residents told us they wanted and the fact that we do not have to grow. There is already an allocated growth in this area of 30% if the current developments are included (Haleworth and the barn building) together with the Plan.</p>
	<p><b>Policy H5</b> 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”.</p> <p><b>Policy H5 – Phasing – It may be helpful to re-title the "Policy Outcome" table "Anticipated delivery trajectory", which would address our</b></p>	<p>The WP agreed that this drafting would remain as we are endeavouring to control the growth of the village reflecting the purpose of a NDP.</p> <p>Consider using the term ‘anticipate a delivery trajectory’.</p>

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	previous concerns. Berry's representation regarding the housing market may provide some basis for additional supporting text to explain why the phasing policy has been prepared in the way that it is.	
	<b>Policy H6</b> 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.	This needs to be checked against the current regulations. Refer to Mark Hunter.
Section 5.2. Amenity Policies	<b>ACV</b> – 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.	The WP agreed to move the statement as suggested.
	<b>ALT</b> – References to “ <i>permanent structures</i> ” (ALT(ii)) and “ <i>temporary structures...subject to a planning application determined by the Parish Council</i> ” 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).	The WP agreed to the change in drafting.
	<b>LGS</b> – “ <i>...no development will be permitted</i> ” represents negative wording. It would be better to say that: “ <i>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</i> ”. The policy, as worded, would prevent development which could support the use of public green spaces (e.g. installation of new play equipment).	Use the term ‘considered’ instead of ‘permitted’.  LGS are an appropriate issue for NDP’s. As the Working Party has good evidence for the sites they wish to include they should go ahead with the sites they have identified

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	<p><b>TRF</b> 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.</p>	<p>The WP agreed that the drafting should remain as is.</p>
<p>Section 5.3. Employment, Industrial and Commercial Policies</p>	<p><b>EC(iii)</b> – “...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 <b>supported</b>, unless these would have unacceptable impacts upon the amenity of local residents...”</p>	<p>Use the term ‘considered’ rather than ‘supported’</p>
	<p><b>EC1</b> – In general terms, the policy criteria specified in respect of the Star &amp; Garter and Wildacre Residential Home are considered to be overly narrow and prescriptive. In the case of EC1(a), retention of the Star &amp; 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 &amp; Garter and Wildacre do not appear to add anything significant to the existing and emerging replacement Local Plan (CSS and JCS) policy framework.</p> <p>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.</p> <p><b>Policy EC1a – Star &amp; Garter – It was suggested that the 1st sentence of</b></p>	<p>Based on consultation with residents, the overwhelming response was that the Star and Garter is considered to be the centre of the village.</p> <p>This section was written based on high levels of local knowledge.</p> <p>The WP considered that no changes to drafting were required to this section.</p> <p><a href="#">Supportive text required.</a></p> <p><a href="#">EC1a should be supporting text not policy (page 73)</a></p>

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	<p>the policy be moved into supporting text, as this is a factual statement rather than part of the policy.</p>	
	<p><b>REN</b> – 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.</p> <p>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.</p>	<p>The WP considered that no changes to drafting were required to this section.</p> <p>This area is open countryside so Working Party should not be concerned if a site is a green or brown site.</p>
Section 5.4. Monitoring and review of the plan	<p>The proposed Plan timescale (2015-35) does <u>not</u> 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.</p>	<p>The WP agreed that the drafting in this section should be changed as suggested.</p>
Other Comments	<p>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.</p> <p>Rigid checking of whether the evidence that you have collected clearly</p>	<p>The ENC LGS questionnaire response has been completed and submitted to ENC following a full review of all proposed LGS sites</p> <p>Subsequently we have reviewed all LGS sites to ensure they meet the criteria.</p> <p>We believe that our policies are in line with these requirements</p>

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	<p>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.</p> <p>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.</p> <p>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.</p>	<p>but would be happy to discuss further when we meet.</p> <p>We have relied on local knowledge to compile a plan that has been created by local people.</p> <p>Planning Aid is free but only for half an hour.</p> <p>Our PC Clerk has checked our policies against national policy.</p>