

14 June 2017

## Cleeve Prior Neighbourhood Plan Regulation 16 Consultation – Wychavon District Council Officer Comments

These officer comments are made on behalf of Wychavon District Council (WDC), as the Local Planning Authority, on the submitted Cleeve Prior Neighbourhood Plan (CPNP) for consideration by an independent examiner. They are provided as a wholly separate response from that submitted on behalf of WDC by Cllr Linda Robinson, Leader of the Council on 14 June 2017 and endorsed by the WDC Executive Board on 7 June 2017.

### General Conformity Overview

The Local Plan for Wychavon District is the South Worcestershire Development Plan (SWDP) that was adopted in February 2016. It is a requirement that the CPNP is examined to assess whether it adequately meets the basic conditions set out in the neighbourhood planning regulations. Of relevance to this submission is whether the CPNP “is in general conformity with the strategic policies contained in the development plan for the area of the authority.” i.e. the SWDP.

In considering the content of the CPNP the examiner will need to consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with.
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy.
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy.
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.

Paragraph: 074 Reference ID: 41-074-20140306

Revision date: 06 03 2014

Detailed comments are provided in the following sections on specific policies, along with suggested amendments and grammar corrections as appropriate. This section principally deals with Policy CP11 which covers the residential allocation of the traveller site off Evesham Road.



As worded Policy CP11 is not in general conformity with a number of the strategic policies of the SWDP. Further the potential loss of the traveller site raises a number of conflicting issues for WDC with the National Planning Policy Framework (NPPF) and Planning policy for traveller sites (August 2015).

Residential development in this location is not supported in principle by the strategic Policy SWDP2 (Development Strategy and Settlement Hierarchy) as it is beyond the development boundary for Cleeve Prior and in the open countryside. The traveller site could reasonably be considered as 'brownfield' or previously developed land and that is a positive feature in the overall planning balance. Turning to the mix of development given the proposed scale and size of the allocation it does not provide any affordable housing, and therefore would be contrary to criteria in SWDP 15 Affordable Housing.

Under SWDP17 there is a requirement to identify a future supply of traveller pitches and WDC is currently preparing a separate Development Plan Document (DPD), the South Worcestershire Traveller and Travelling Showpeople Sites Allocation DPD, to meet the needs of the south Worcestershire traveller community to 2030. Although CP11 does not conflict with SWDP17 in principle, the loss of the traveller pitches from this site would result in a shortfall in pitches across the SWDP plan area unless it can be demonstrate that the occupiers were leaving the SWDP area. Any loss of pitches would otherwise have to be addressed through identifying replacement pitches in the emerging Travellers and Travelling Showpeople DPD.

If new sites are unable to be identified in this DPD, as part of the ongoing preparation and consultation process, the shortfall may lead to the DPD being found unsound at examination. In turn this will have implications for the 5 year supply of pitches and therefore speculative unplanned traveller site applications coming forward in south Worcestershire. This may potentially have serious implications for WDC in meeting the accommodation need of the traveller community.

National planning policy specifically, Policy G Major development<sup>1</sup> projects of Planning policy for traveller sites (August 2015), requires at para 21 local authorities to;

“work with the planning applicant and affected traveller community to identify a site or sites suitable for relocation of the community if a major development proposal requires permanent or temporary relocation of a traveller site. Local planning authorities are entitled to expect the applicant to identify and provide an alternative site, providing the development on the original site is authorised”.

Clearly the proposal under CP11 is Major development and to a degree the above policy wording provides some support for the allocation, since it refers to, in the case of a planning application, the onus being placed on the applicant to provide an alternative site or take measures to do so.

<sup>1</sup> The Development Management Order 2015 provides a definition of Major development as any application for residential development for 10 or more dwellings.



However at this stage it is unclear as to whether all the residents of the site are able or willing to relocate to sites outside of WDC and the SWDP area. Until this can be adequately demonstrated, and in a manner to be legally binding, it remains unclear as to whether replacement pitches will need to be found. In addition the policy makes no reference to the allocation of traveller sites for alternative uses in Local Plans or similar. Therefore the WDC concern must be that, as it stands, any shortfall will need to be met through the Traveller and Travelling Showpeople Site Allocations DPD.

Finally the CPNP sets out a case for the allocation of the traveller site under CP11, a principle tenant of which is that the case for redevelopment can be attributed, at least in part, to a history of anti-social behavior which has led to the under utilization of the site. The examiner is required under the basic conditions test to have regard to the rationale and evidence base to justify the approach set out in the plan. Therefore the level of under utilization, considered against the policy constraints that do not support residential development in the open countryside, might suggest investigation of a proposal for 40 dwellings may better reflect local circumstances and provide a contribution to achieving sustainable development.

## **Introductory Paragraphs**

Front cover – remove “Development” from title.

Include contents page.

Para 1.1 – remove “Development” from first sentence, delete “the” from second sentence before “Cleeve Prior Parish Council” and change reference to map to “Policies Map” in final sentence.

Para 1.3 – remove reference to the Plan being “concerned with the detailed use and development of land in the parish in the period to 2031 *and beyond*” as the Plan period only runs to 2031.

Para 1.4 – change reference to map to “Policies Map” in third sentence.

Para 1.10 – formatting issue at start of paragraph.

Para 2.4 – formatting issue at end of paragraph and start of Para 2.5.

Para 4.3 – date should read 2031, delete “...*and beyond*...”

Para 4.4 – Paragraph reference absent at “This Vision ...”

Para 4.3 (4) Education Objective – formatting issue.



## Planning Policies

Para 5.1 – incorrect statement in first sentence, the South Worcestershire Development Plan (SWDP) runs to 2030 which is not consistent with the plan period for the CPNP which is to 2031.

Para 5.2 – delete first sentence and reference to Wychavon District Local Plan (2006) as no longer relevant.

Policy CP2 – should the policy refer to the character and appearance (or perhaps the significance) of the Conservation Area to be protected and enhanced? The first criterion of the policy seeks to protect existing boundary walls and other linear features and states that these are identified on the Policies Map, but they are not shown on the map. In any event the demolition of walls will not require planning permission unless of a certain height under permitted development rights. The third criterion refers to views on the Policies Map which again are not shown.

Policy CP3 – it is suggested that the Local Green Spaces are numbered so that they are easier to identify on the Policies Map.

Para 5.12 onwards – formatting issue.

Policy CP4 – should it be referred to as a “Local Gap”? The Policies Map needs to be updated in any event as it currently refers to “Protected Space”.

Para 5.18-5.19 – The reasoned justification seems to be at odds with the intent of policy CP4; it should discuss SWDP2 D which defines Significant Gaps. SWDP5 and SWDP25 are not applicable in this instance as they refer to Green Infrastructure and Landscape. Consequently the reasoned justification and policy conflate two different policy purposes, i.e. landscape/habitat protection and prevention of the coalescence of settlements.

Para 5.21 – as above the purpose of a Significant Gap is to prevent coalescence of settlements, not to provide additional protection to open land that may be subject to development pressures.

Policy CP6 – makes references the “core area of the village” but this is not defined nor is it mapped. If this refers to land within the development boundary of Cleeve Prior it is even more restrictive than SWDP2 (which allows windfall housing developments of both market and affordable housing within development boundaries without size limit), and SWDP16 (which supports small-scale affordable housing schemes beyond but reasonably adjacent to development boundaries of villages where a local need exists). The term “small-scale” is also not defined by CP6 which means it is left open to interpretation by those applying the policy.

Policy CP7 – the wording is a simplified version of SWDP14 and SWDP15 and therefore it is questionable how useful it is repeating it in the CPNP. Is the policy trying to say “new housing developments (of a certain size) shall include a mix of housing which reflects local housing needs



and housing market assessments?” The control of housing tenure through planning policies is not possible, unless it is referring to affordable housing.

Para 5.25-5.26 – relevance to CP6 and CP7 questioned as much of the text describes the process by which the SWDP was prepared. Now the SWDP is adopted the text simply needs to refer to the adopted SWDP targets, allocations etc.

Para 5.29 – fourth sentence should refer to SWDP1, SWDP2, and SWDP59 as the policies in the SWDP that support the role of neighbourhood planning as a local initiative which can deliver housing.

Para 5.32 – typo; should state that the questionnaire was posted to every household in the parish.

Para 5.34 – final sentence states that all housing schemes require on-site provision of affordable housing in line with the NPPF and SWDP15. However this is no longer the case subsequent to the Written Ministerial Statement supporting small-scale developers, custom and self-builders (HCWS50; originally delivered on 28 November 2014 and reinstated by the Court of Appeal on 11 May 2016) and associated changes to National Planning Practice Guidance. This means Local Planning Authorities are no longer able to seek affordable housing contributions on sites of 10 dwellings or less which have a maximum combined gross floor space of 1,000m<sup>2</sup>.

Policy CP8 – the policy has no supporting text or reasoned justification.

Policy CP9 – reference to SWDP27 in policy text needed which requires all new development of more than 100 square metres, or one or more dwellings, to incorporate renewable or low carbon energy technologies equivalent to at least 10% of the predicted energy requirement. Elements of the policy seem to be building control rather than planning matters. Some of the supporting text would seem more appropriate under CP8.

Para 5.35 – SWDP21 and SWDP27 should be both referred to in the second sentence.

Para 5.37 – fourth sentence refers to SWDP27 in that it is “intended that these standards should be applied to Cleeve Prior”. SWDP27 was implemented on adoption of the SWDP in February 2016 and is used in the determination of relevant planning applications in the parish. Reword to reflect current status of SWDP27, delete “intend” and replace “should” with “are”.

Para 5.39 – final sentence states that “where ménages are required, they should not be floodlit and should be of a scale appropriate to their setting”. However as this is not in the policy it does not carry any weight. Consider incorporating into policy criteria wording. Is there evidence to support this?

Para’s 5.44-5.48 – Education, Infrastructure and County Matters paragraphs should be moved to “Non-Land Use Aspirations” Annex.



Policy CP11 – the policy needs to be re-worded to allocate the site as opposed to simply propose its allocation. The second sentence suggests a range of dwellings of between 40 and 80, and suggests that the site should be delivered at a “low density”. It is considered that this should be refined to allocate a more specific number of dwellings which will allow its delivery at a density deemed appropriate, which could also be defined. Also suggest that the affordable housing requirement of 40% is detailed in the policy as per SWDP15.

The fifth bullet point of the policy criteria indicates that safe and suitable access will be provided to the site from Evesham Road by way of a roundabout, and the sixth bullet point suggests that bus lay-bys will also be provided on the Evesham Road. Has this been agreed by Worcestershire County Council Highways as the highway authority and how is this going to be funded? Does the level of development proposed warrant the requirement for a roundabout? A policy reference to a pedestrian/cycle link from the site would be beneficial to encourage walking and cycling to the village and its facilities.

The final sentence of the second policy paragraph refers to WDC obligations under the European Convention on Human Rights would be fulfilled on the basis of alternative accommodation being located by any prospective developer. Query whether this is correct as it seems to be contradicted by para 5.60? There is concern over finding suitable pitches for the current residents who may not have any other sites to go to. Further how this is made conditional ahead of development commencing could be a complication for the site ever being delivered.

The third policy paragraph indicates that a development proposal will only be considered in the form of a single detailed planning application that covers the entire site, and that the developer is required to produce a Planning Brief for development of the site prior to any such submission. Neither of these requirements is enforceable.

The final policy paragraph refers to a requirement to deliver a range of community infrastructure. In the event of an application to redevelop the site for housing the applicant will only be required to contribute towards open space typologies set out in SWDP39 (Provision for Green Space and Outdoor Community Uses in New Development). The Parish Council may be able to identify additional local sports, leisure and community facilities to be funded from the 25% of CIL monies secured from the development, but it is not possible to require a contribution of this nature from the applicant as currently set out in the policy as it is not in compliance with the CIL regulations.

The overall policy is also questioned with regard to how it responds to the housing and development objectives of the CPNP, which includes providing housing for local needs including affordable housing, smaller homes for the elderly and for young people hoping to secure their first home.

Para 5.49-5.75 – majority of this should be contained within the Basic Conditions Statement, were as the reasoned justification should provide information on how the policy is to be applied.



Para 5.49 – is the final sentence of this paragraph which refers to the land to north of the site owned by the Parish Council relevant? Worcestershire County Council’s lease on part of the site expires in May 2018 not 2016.

Para 5.51 – reference is made to the Planning Policy for Traveller Sites (March 2012). This is not the latest version which was published in August 2015. Further this policy document content deals principally with the allocation of new traveler sites in DPD, or determining planning applications for new traveller sites. It does not directly address the redevelopment of existing sites for alternative uses. However, Policy G: Major development projects (para. 21) does require local planning authorities to work with applicants and the affected traveller community to identify a site suitable for relocation of the community if a major development proposal is put forward. Furthermore if part of a planning application then the local authority can expect the applicant to facilitate the relocation of the sites residents.

Para 5.53 – on the statement made in the third sentence, the pre-submission draft of the CPNP published in 2015 was the first occasion WDC were made aware of such a proposal to redevelop the site, and then as drafted only if it became vacant. The Travellers and Travelling Showpeople Site Allocations DPD Preferred Option was consulted on in March 2016, and the approach to pitch needs in the DPD based on the emerging Neighbourhood Plan CP11 policy as drafted above.

Subsequently the Parish Council consulted on a revised CP11 policy that proposed the allocation of the site in May 2016. In the event of the allocation coming forward WDC will need to find replacement pitches and this will form part of the forthcoming revised Travellers and Travelling Showpeople Site Allocations DPD Preferred Options consultation in the autumn of 2017. Therefore the paragraph is incorrectly drafted.

Para 5.56 – These were not submitted to WDC but formed part of a public consultation by the developer. The paragraph should be deleted. If retained the final sentence should be re-written; “any proposals for housing development on the site were not considered appropriate in principle as not then allocated in the CPNP, as well as being contrary to the SWDP strategic policies”.

Para 5.57 – should final sentence not be a minimum build level?

Para 5.59 – replace “technically” in second sentence within “within”; the site falls outside of the development boundary for Cleeve Prior as defined by SWDP2 C and is therefore within the open countryside for the purposes of planning policy. On this basis the policy is not in general conformity with SWDP2 as stated in the text.

Para 5.60 – typo; third word should be “the” and not “these”.

Para 5.63 – again, replace “technically” in second sentence to “within”; the site falls outside of the development boundary for Cleeve Prior as defined by SWDP2 C and is therefore within the open countryside for the purposes of planning policy.



Para 5.64 – replace “proposes” with “allocates” in penultimate sentence.

Para 5.69 – the aims relate to allocating sites in DPD not about supporting the redevelopment of them if such tensions exist.

Para 5.70 – as above.

Para 5.70 – current traveller planning policy as referenced is for the determination of new sites and cannot be retrospectively applied to existing sites.

Para 5.71-5.73 – relates to new development, not existing.

Para 5.74 – there is limited comparison between the allocation of the site and the St Ives Neighbourhood Plan second home ownership; the impact on the current residents whose main residence is Cleeve Prior is very different to preventing purchasers of second homes who have main residences elsewhere.

Para 5.75 – WDC are unaware of such work with a prospective developer to identify suitable alternative accommodation. Delete final sentence.

## **Implementation and Annexes**

Para A8 – should refer to SWDP4 and not SWDP19. SWDP4 deals with transport whereas SWDP19 covers Dwellings for Rural Workers.

Para A11 – should also reference SWDP29. Content of this has been superseded by events. Worcestershire County Council has now adopted the Worcestershire Local Flood Risk Management Strategy 2015-2021.

ParaA13 – delete “Policy” end of final sentence.

Para A15 – needs to be updated in line with the latest position i.e. adoption of CIL in WDC and its implementation on 5 June 2017. CIL was not introduced on the adoption of the SWDP.

Annex 2: Sources – Reference to Wychavon District Local Plan (2006) should be removed as it was wholly superseded on adoption of the SWDP in February 2016. Reference to the Submission Version of the SWDP should also be removed. The latest South Worcestershire Infrastructure Delivery Plan was published in July 2016. Insert “Worcestershire” before “Landscape Character Assessment, Worcestershire County Council (2009)”. Refer to Worcestershire Gypsy and Traveller Accommodation Assessment Addendum October 2016. Amend reference to “Worcestershire Waste Core Strategy Local Plan 2012-2027”. Remove references to Hereford and Worcester Local Plan, Hereford and Worcester Council (1997) and Emerging Minerals Local Plan, Worcestershire County Council (2014), and insert “Worcestershire Minerals Local Plan, Worcestershire County Council (2017).”



Annex 3 References 5.52 – delete ref to South Worcestershire Travellers and Travelling Showpeople Site Allocations DPD being examined in June 2017. Replace with “July 2018”.

Annex 3 References A3 – delete link to draft CIL charges. Now superseded and replace with link to Wychavon CIL Charging Schedule April 2017.

