

Latham, James

From: Johnson, Karla
Sent: 12 September 2018 15:56
To: Rosemary Kidd
Subject: Peterstow response to Examiners questions
Attachments: Peterstow Neighbourhood Plan; Fwd: Form submission from www.peterstowparishcouncil.org.uk; Peterstow_Regulation16_NDP MH.PDF; Response to Examiners Questions.docx

Dear Rosemary,

Please find response to your questions from Peterstow Parish Council attached.

Point 1-Please find the G.Gibbons response (there are two emails attached) and Herefordshire Council Transportation response attached. Highways comment directly onto the Neighbourhood Plan, please see attached. Point 2- The Core Strategy does not set out a definition of what is considered a large scale site, it only defines strategic sites within market towns to be sites of 100.

What is considered to be large scale is dependent on surrounding context, scale and type of area rural/urban/ semi-rural. This is dealt with on a case by case basis in line with Planning Policy Guidance at planning application stage. Point 9-HC agrees on the wording and table listed in appendix 1 of the Parish Council response.

		Number of Dwellings
HC Core Strategy Requirement 2011 – 2031: 27 Dwellings		
1	Number of Completions 2011-2018	8
2	Dwellings with outstanding planning permissions April 2018	3
3	Dwellings from permissions granted since April 2018 (see para 3.7)	1
4	Residential Park home developed on extended site area since 2011 (see para 3.7)	1
5	Park homes site - outstanding	9
6	Minimum further requirement	5

Point 11. The Polytunnels Planning Advice note, this development guidance principles contained in the Polytunnels Planning Guide 2018, which brings up to date the previous Polytunnels Supplementary Planning Document (SPD) 2008. This Planning Guidance advice note has formally been approved by a cabinet member on 29 June 2018. The document is on the following link.

https://www.herefordshire.gov.uk/directory_record/5602/polytunnels_planning_advice_guide_2018

Point 14. Number of households as of January 2011 is 195.

If you require further information or have any queries please get in touch.

Kind regards

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PETERSTOW NEIGHBOURHOOD PLAN

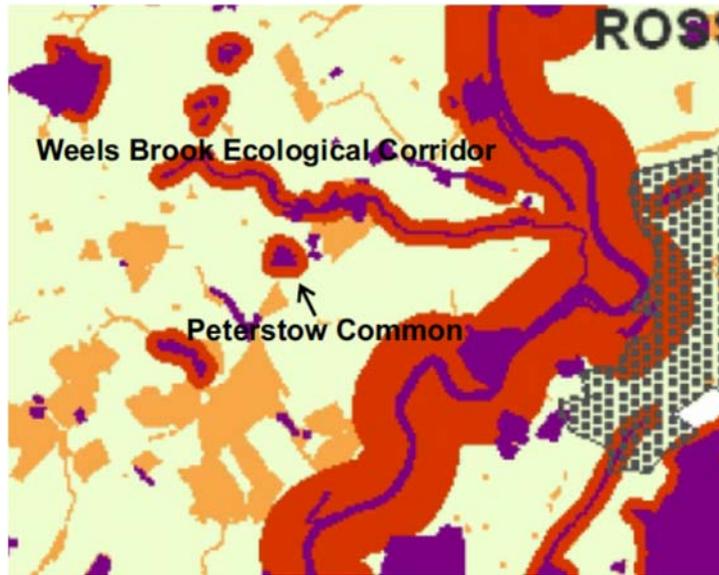
Submission Draft Version

Response to Peterstow Neighbourhood Plan Examiner's Questions

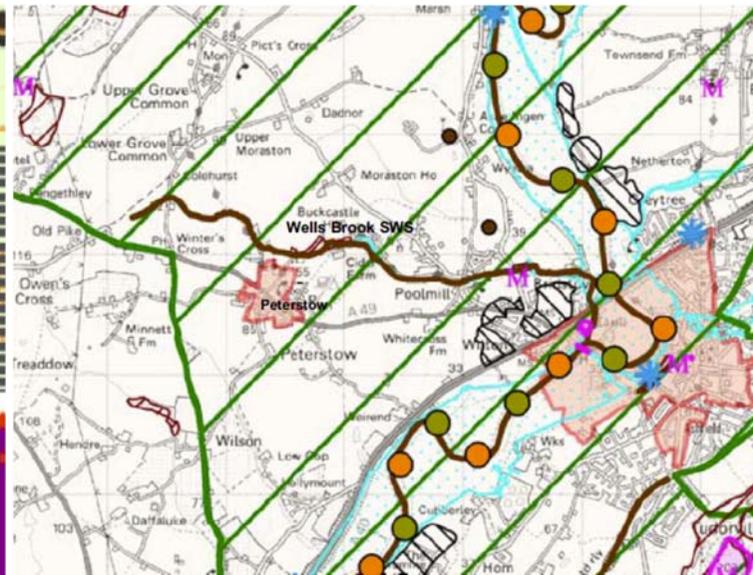
From Peterstow Parish Council

Question No	Question and Response
1	<p>Would you send me copies of the representations from G Gibbons and Herefordshire Highways (referenced 7 and 10 in the Schedule of Representations at Regulation 16 Stage) as these were not included in the pack sent to me.</p>
2	<p>Herefordshire Council to provide.</p> <p>Paragraph 5.2 refers to “recent planning decisions that have identified matters that should be taken into account in considering where development proposals should be regarded as ‘major’” and refused in accordance with 2012 NPPF paragraph 116. Would the LPA comment on this statement and whether they consider it appropriate for the NP to include factors to be used in assessing whether proposals constitute “major development” in addition to those set out in the NPPF. Does the LPA consider that the wording set out in Policy PTS2 is sufficiently clear to enable decision makers to make consistent decisions?</p> <p>Although the Examiner has asked this question of the LPA, the intentions of the QB and its consideration of the need for the policy may be helpful to the consideration.</p> <p>Planning Practice Guidance (PPG) says that whether developments are “major” is a matter for the decision-taker, taking into account the proposal in question and the local context (paragraph 8-005-20140306). The QB considers that the NDP policy seeks to assist Herefordshire Council, as the decision maker, in determining what criteria should be used in order to take into account the local context.</p> <p>The recent planning decisions that were used to inform the drafting of the policy, one of which was in the adjacent parish of Bridstow and the other the parish of Fownhope that sits close by, include:</p> <ol style="list-style-type: none"> 1. Development at Mill Field, Fownhope - see Appeal Decision, particularly para 8 at https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=141828&search=141828 2. Land Adjacent to Burnt House Bridstow see Appeal Decision particularly paras 57 to 59 at https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=142930&search=142930
3	<p>Policy PTS3 refers to the ecological corridor along Wells Brook. Would you provide a map to show this area.</p> <p>Wells Brook is identified as an ecological character in Herefordshire Council’s Ecological Network Diagram. The brook itself is a Special Wildlife Site.</p>

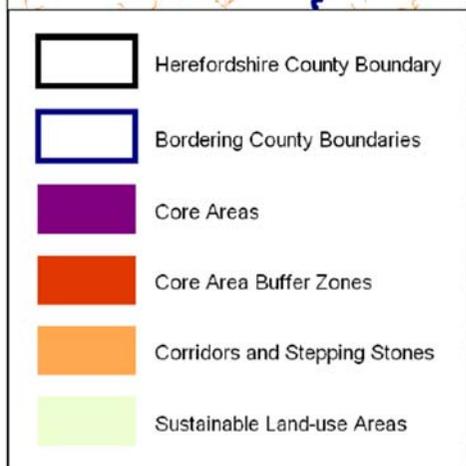
Map 1: Extract from Ecological Network Diagram



Map 2: Extract from Core Strategy Policies Map



Ecological Network Notation



	https://www.herefordshire.gov.uk/directory_record/2078/ecological_network_map_and_guidance_note_2013
4	<p>Policies PTS2 and PTS5 employ the word “preserve”. I shall recommend that it be amended to “conserve” to accord with national and strategic policy. Policy PTS4 refers to “preserves and enhances” I shall recommend that it be amended to “protected, conserved and where possible enhanced” to accord with strategic policy. Would the QB confirm that this is acceptable.</p> <p>PTS2 and PTS5 – It is accepted that ‘preserve’ should be replaced. The Examiners guidance upon this would be welcome.</p> <p>It is noted that national policy indicates in relation to protected landscapes - ‘protect and enhance’ (NPPF para 109); ‘protecting and enhancing’ (para 114); and ‘conserving’ (on its own – para 115). The Core Strategy refers to ‘conserve and enhance’ AONBs through ‘protection’ and ‘enabling’ (Policy L1), although the Council’s Landscape Character Assessment refers to ‘conservation’, ‘restoration’ and ‘enhancement’.</p> <p>PTS4 – acceptable provided that the Examiner is happy it complies with the Planning (Listed Building and Conservation Areas) Act 1990 s.72 which indicates ‘preserve or enhance’.</p> <p>It is understood that within the context of conservation area legislation ‘conserve’ includes ‘enhance’. It is noted that there is little reference to conservation areas within the NPPF, possibly because of this legal duty, and its only requirement is to ‘enhance’ (para 137). The Core Strategy Policy LD1 refers to ‘conserving and enhancing’ conservation areas through ‘protection’, whereas the reference to conservation areas in policy LD4, where there is reference to ‘protected, conserved and where possible enhanced’, relates to contributing to character and local distinctiveness. There is no reference to appearance. In this regard the Core Strategy adds to the confusion. Accordingly, if the Examiner can clear up the confusion, this would be welcome.</p>
5	<p>Policy PTS5 includes text within the policy box that is not emboldened. I have assessed whether this is in fact policy or descriptive text. Where it is descriptive text under points 1, 2 and parts of 5 and 6 I shall recommend that it is included in the justification. Would the QB confirm that this is acceptable. Is it intended that the improvements under point 7 will be sought through development proposals or would it be more appropriate to include their promotion in the Plan as a Community Project (in terms of the Parish Council will seek....)?</p> <p>The Examiners advice upon this is welcome and accepted although it is noted that this format has been used in other NDPs. Measures will be sought to improve the character or appearance of the Conservation Area through both means. The weight given to development on the site including Peterstow Stores and Post Office is an example of using development to achieve improvements along the frontage (see NDP para 7.5).</p>
6	<p>Does Policy PTS6 add any locally specific requirements to that set out under Core Strategy Policy SD3?</p> <p>Peterstow village has a very high water table and no public sewer. The community has significant concerns about both foul and storm water drainage as a consequence. There have in the past been pollution events caused by drainage along Wells Brook. Individual properties have reportedly also suffered from adverse effects of foul water drainage. It is important for both forms of drainage to be considered in combination. Core Strategy Policy SD3 only considers storm</p>

	<p>water drainage and river flooding. Core Strategy SD4, which covers foul water drainage, concentrates upon avoiding adverse effects on river water quality. The concerns of the community that properties within the village may be affected by pollution from inappropriate waste water treatment are real and need to be addressed through a locally based policy.</p>
<p>7</p>	<p>Would the QB provide me with an assessment of the proposed Local Green Space against the factors set out in 2012 NPPF paragraphs 76-77 to demonstrate why the site is considered to be demonstrably special. Is the common protected by law or by any other designation?</p> <p>Utilising guidance from Localities (file:///C:/Users/User/Downloads/8-LOCALITY_NP-Green-space-HMJS-08.06.18.pdf)</p> <p><u>Site area</u> – 4.74 ha</p> <p><u>Description and purpose</u> – An area of common land to which the public is afforded access for use as a public amenity, supporting health and wellbeing; a heritage asset that reflects the village’s historic development and comprises an important feature contributing to the character and appearance of Peterstow Conservation Area.</p> <p><u>Statutory Designations</u> – no specific land use designation for the purposes of planning.</p> <p><u>Site allocations</u> – no allocations for development upon it.</p> <p><u>Planning permissions</u> – no planning permissions relate to the common.</p> <p><u>Close to the community it serves</u> – within the village centre and surrounded by the village community</p> <p><u>Demonstrably special to the community</u> - the site has historic significance reflecting the historic development of the village that surrounds it; it falls within the Natural England standard of 1.25 miles for access to natural greens space; it is an attractive area contributing significantly to the village’s character and appearance falling within the centre of its Conservation area; it has significant value in terms of informal recreation with wide public access; although having no nature conservation area designation it is highlighted as an important ecological core area on Herefordshire Council’s Ecological Network Map (see 3 above). It therefore meets the provisions of historical significance, recreational value and contribution to the richness of the areas wildlife.</p> <p><u>Local in character and not extensive tract</u> – It’ a local character is reflected by its location within the centre of the village around which many of its important buildings sit. Both contribute significantly to each others settings and in combination form an essential component of the areas character and local distinctiveness. The common is not an extensive tract of land.</p> <p><u>Conclusion</u> – As a significant local feature, its loss as a facility and environmental feature would significantly alter the character of the village.</p> <p>Peterstow Common is a registered common owned by Peterstow Parish Council</p>
<p>8</p>	<p>Policy PTS10 sets out a Community Project to reduce the impact of traffic in the village through the use of developer contributions. I consider that this is not a planning policy and should be included in a separate section of the Plan on Community Projects. However, the bullet points and the last sentence of the first paragraph set out measures that development proposals should implement where possible. In view of the small scale of potential development in the village, is it likely that the</p>

	<p>traffic measures could be implemented through development proposals?</p> <p>This policy is framed in similar terms to Core Strategy Policy SS4 which has been approved by a Planning Inspector. Policies for development within the Parish are covered by a range of policies (both Local Plan and Neighbourhood Development Plan) that enable different forms of development that may affect the village.</p>
9	<p>Paragraphs 3.7 to 3.8 sets out the housing calculation which includes an allowance for 10 dwellings at Yew Tree Residential Park Home. The Officer's Appraisal in the Peterstow Progression Report does not refer to this site and concludes that there is a residual figure of 16 dwellings at April 2017. Would the QB and LPA discuss and agree the figure for housing required and provide me with any amendments required to paragraphs 3.7 – 3.8.</p> <p>Please see Appendix 1 below</p>
10	<p>I consider that the second paragraph of Policy PTS16 on live/work units does not provide a locally distinctive policy approach for this form of development and consequently I shall be recommending that this paragraph should be deleted.</p> <p>Noted. The Examiner may wish to note that Peterstow falls within Llangarron ward and this ward has a significant level of self-employment – 21.7% compared to 14.4% for Herefordshire as a whole.</p>
11	<p>Would the LPA confirm whether the 2018 Polytunnels SPD has been adopted?</p> <p>It is understood this was adopted in December 2008 - https://www.herefordshire.gov.uk/download/downloads/id/2849/polytunnels_supplementary_planning_document_december_2008.pdf</p>
12	<p>Criterion a) of Policy PTS16 refers to "the requirements for exceptions set out in Policy PTS2". What is this intended to refer to as the bullet points in Policy PTS2 are to be used in determining whether a development constitutes major development in an AONB?</p> <p>Presume this refers to policy PTS17.</p> <p>The policy refers to the exceptions set out in the second paragraph of Policy PTS2 which are covered by the provision:</p> <p>'Planning permission will be refused for major development unless there is a proven public interest, no viable alternative sites are available to accommodate this development elsewhere, and its environmental effects can be mitigated to a satisfactory degree.'</p> <p>These provisions have been taken from the NPPF para 116.</p>
13	<p>The final paragraph of Policy PTS18 could be considered to be a blanket restriction of this form of development in the AONB. NPPF makes provision for development in exceptional circumstances and the 2015 Government guidance on Renewable Energy states that "proposals in ...Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration". Would the LPA and QB comment on the following proposed additional wording to be added to the final paragraph "...except in exceptional circumstances and where it can be demonstrated they are in the public interest and they do not adversely impact upon the character of the AONB."</p> <p>Should the Examiner consider this is required then the QB would have no objection, although rather than refer to 'character' the</p>

	Examiner might wish to refer to 'natural beauty and scenic qualities' to better reflect Natural England's criterion for designating AONBs.
14	What was the number of households in the Plan area at 2011? Herefordshire Council advised that the number of households in the Parish in 2011 was 195.

Appendix 1 – Joint response to Question 9

Herefordshire Parish Council and Peterstow Parish Council, through its Neighbourhood Steering Group have agreed the following paragraphs to replace those referred to by the Examiner. The area identified as a commitment for park homes has the benefit of a Certificate of Lawful Existing Use and Development (CLEUD – code P16013/V).

It should be noted that there are a limited number of park home sites within the County. Herefordshire Council acknowledges that such homes play a legitimate role in providing accommodation. However, the Council is concerned to see a consistent approach across its area where a realistic assessment of a site's potential is made. In this regard it accepts that a figure of 10 further units upon the Yew Tree Park site is considered most appropriate in terms of suggesting the contribution it might make to proportional housing growth as opposed to the 17 homes that the landowner's agent has suggested and bearing in mind that up to 5 units have previously been located upon the site, albeit occupied by workmen on the site and potential residents of the adjacent area who were waiting for their homes to be completed (see Mr J Barr Affidavit at https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=160813&search=Yew%20Tree%20Park,%20Peterstow). The site owner has advised that it took 10 years to build-out the first phase of residential homes (30 units) and that it was expected the current area will be quicker to build-out given it is a smaller area. However, it will depend upon the market. This approach would be consistent with that adopted elsewhere in relation to park homes.

Revised paragraphs (NB the additional/changed text is highlighted in red)

3.7. Herefordshire Local Plan Core Strategy defines levels of proportional growth that neighbourhood plans should seek to achieve. In relation to Peterstow parish this is a growth level of 14% equating to a minimum of 27 new houses over the period 2011 to 2031 (the "Plan Period"). Herefordshire Council has confirmed that between April 2011 and 2018 some 8 dwellings had been completed and a further 3 had outstanding planning permissions. A further dwelling has been granted planning permission since April 2018. In addition, an area of land is committed for residential park homes following the grant of a Certificate of Lawful Existing Use or Development (CLEUD) in April 2016 for the use of an area of land at Yew Tree Residential Park Homes site which effectively allows further residential park homes in this area to the north-east of Peterstow village. This commitment enables additional residential park homes to be brought onto the site and works to provide the necessary infrastructure. One of these has recently been erected. Although the site owner has been advised this could accommodate 17 park homes, for the purposes of the contribution the site may make to the required level of proportional growth, a figure of 10 dwellings is suggested during the plan period to reflect a modest rate of plot take up, previous occupancy, the density on the adjacent park area, infrastructure requirements

and the need for landscape measures.'

3.8. Consequently, at least a further 5 dwellings are needed to meet the minimum level of proportional growth. Most if not all this outstanding amount will need to be provided through this NDP in order to show that the required level of housing growth can be met. However, some allowance may be made for windfall development outside of Peterstow village. These are dwellings that receive planning permission such as agricultural dwellings, the conversion of rural buildings to dwellings, or dwellings in association with a rural enterprise. These are exceptions to the restriction of dwellings within the countryside set out in Herefordshire Local Plan Core Strategy Policy RA3. Planning permissions for 9 dwellings, **excluding the unit brought forward on the residential park homes site**, were granted for sites within the rural parts of the parish outside of Peterstow village between 2001 and 2017. This amounts to a trend over that period of 1.2 dwellings per year. Should this trend continue during the plan period it would amount to 24 dwellings. However, 10 of these dwellings have been granted planning permission since 2011 and hence a further 14 dwellings might be expected during the plan period based on this trend. It would be expected that the majority of dwellings to come forward through Herefordshire Local Plan Core Strategy Policy RA3 would be through the conversion of rural buildings. Changes in regulations make it easier for this to occur although the resource may be a diminishing one. Hence a modest allowance of 7 dwellings (i.e. 50%) is considered appropriate for the purposes of suggesting the contribution this might make to the required level of proportional growth **in addition to the units envisaged upon the residential park homes site**.

Consequent amendments to Tables 1 and 2

Table 1: Housing Commitments 2011- 2017

		Number of Dwellings
HC Core Strategy Requirement 2011 – 2031: 27 Dwellings		
1	Number of Completions 2011-2018	8
2	Dwellings with outstanding planning permissions April 2018	3
3	Dwellings from permissions granted since April 2018 (see para 3.7)	1
4	Residential Park home developed on extended site area since 2011 (see para 3.7)	1
5	Park homes site - outstanding	9
6	Minimum further requirement	5

Table 2: Achieving the Housing Target 2011-2031

		Number of Dwellings
Outstanding Housing Requirement 2011 – 2031: 5 Dwellings		
1	Site Allocations i) Land amounting to 0.27ha at Peterstow Shop; ii) Land amounting to 0.2ha at Highgrove, Hightown; iii) Land amounting to 0.25ha at Hightown Green.	4 4 4
2	Rural windfall allowance (see para 3.8)	7
3	Further Housing Potential during Plan Period	19