

# **Bromsgrove District Council**

## **Neighbourhood Planning (General) Regulations 2012 (as amended)**

### **Regulation 18 Decision Statement**

#### **Alvechurch Parish Neighbourhood Plan, 2011-2030**

##### **1. INTRODUCTION**

1.1 Under the Town and Country Planning Act 1990, local planning authorities have a statutory duty to assist local communities in the preparation of neighbourhood development orders or plans, including the process of a plan or order being independently examined and taken to referendum.

1.2 This decision statement confirms that following an independent examination into the Alvechurch Parish Neighbourhood Plan, the District Council accept the examiner's proposed modifications, and consequently consider the modified APNP to be able to proceed to referendum within the designated neighbourhood area.

##### **2. BACKGROUND**

2.1 Following an application by Alvechurch Parish Council (the 'qualifying body'), a neighbourhood area for the purposes of producing a neighbourhood development plan was designated by Bromsgrove District Council on 23<sup>rd</sup> January 2013. This area was coterminous with the boundaries of Alvechurch Parish.

2.2 Alvechurch Parish Council publicised a draft neighbourhood plan for a pre-submission consultation in September and October 2017, in line with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

2.3 The Alvechurch Parish Neighbourhood Plan was then formally submitted by the Parish Council to Bromsgrove District Council in March 2018, in line with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

2.4 The District Council invited representations on the plan, in line with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended), during a six week period from 28<sup>th</sup> June 2018 to 10<sup>th</sup> August 2018. A total of 17 representations on the plan were received during this period.

- 2.5 Mr Robert Yuille was appointed by the District Council, with the support and agreement of Alvechurch Parish Council, to undertake an independent examination into the neighbourhood plan as submitted to Bromsgrove District Council. The examination was carried out by written representations based on those received during the Council's statutory (Regulation 16) representation period.
- 2.6 The examiner's report was received by the District Council and the Parish Council on 7<sup>th</sup> November 2018. The report concluded that subject to a series of modifications, the Alvechurch Parish Neighbourhood Plan met the basic conditions and should proceed to a referendum.

### **3. DECISION**

- 3.1 The Neighbourhood Planning (General) Regulations 2012 (as amended) require the local planning authority to outline what action to take in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4B to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan.
- 3.2 Bromsgrove District Council has considered each of the recommended modifications in the examiner's report, and the reasons for these, and in conjunction with Alvechurch Parish Council has decided to accept all of the proposed modifications to the draft neighbourhood plan. A table setting out the examiner's modifications is included at Annex 1 to this decision statement.
- 3.3 The Alvechurch Parish Neighbourhood Plan will therefore be modified in accordance with the table at Annex 1, and it is the modified version of the plan that will proceed to referendum.

### **4. CONCLUSION**

- 4.1 This decision statement confirms that Bromsgrove District Council consider the Alvechurch Parish Neighbourhood Plan 2011-2030, as modified according to the proposed modifications in the examiner's report, to comply with the basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990, as well as legal requirements in Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended).
- 4.2 It is therefore recommended that the neighbourhood plan should proceed to referendum based on the neighbourhood area of Alvechurch Parish, as designated by

the District Council in January 2013. The examiner's report considered whether the referendum area should extend beyond the designated area and concluded that it should not.

4.3 This decision statement, and a copy of the examiner's report into the Alvechurch Parish Neighbourhood Plan, can be viewed at the following locations:

- Online on the District Council's website at <http://www.bromsgrove.gov.uk/alvechurchnp>
- Online on the Alvechurch Parish Neighbourhood Plan website at <https://alvechurchparishplan.org/>
- In hard copy format (during opening hours) at Bromsgrove Library, Parkside, Bromsgrove, B61 8DA
- In hard copy format (during opening hours) at Alvechurch Library, Birmingham Road, Alvechurch, B48 7TA

## ANNEX 1

### Examiner's Report on Alvechurch Parish Neighbourhood Plan 2011-2030 – Proposed Modifications

Proposed modification number (PM)	Reference	Modification
PM1	Policy H1	<p><i>Proposals for new housing development will need to show consideration to the Alvechurch Parish Design Statement and the Alvechurch Historic Environment Resource Assessment and will be supported in principal if they meet the following criteria;</i></p> <ul style="list-style-type: none"> <li><i>a. It is located within the designated Alvechurch Village settlement boundary.</i></li> <li><i>b. The redevelopment of brownfield land will be prioritised</i></li> <li><i>c. It would not lead to the loss of open space, community asset or employment uses, which are desirable to maintain</i></li> <li><i>d. Development should not extend existing ribbon development and should contain the spread of the Village, by promoting infilling up to its natural physical boundaries</i></li> <li><i>e. Criteria for defining development boundaries: boundaries should follow clearly defined physical features such as: walls, fences, hedgerows, roads, streams, and water courses in general. However, some development boundaries may follow along the rear of built development rather than physical features to prevent inappropriate back land development, for instances where dwellings have large back gardens</i></li> <li><i>f. Proposals that preserve those elements of the setting and that make a positive contribution to or better reveal the significance of the local landscape, natural environment or heritage assets should be treated favourably.</i></li> <li><i>g. The scale, height and form of the proposed development will fit unobtrusively with existing buildings and spacing between buildings would respect the character of the street scene</i></li> <li><i>h. It would not adversely impact on the existing residential amenity of adjoining occupiers</i></li> <li><i>i. To meet sustainable criteria new development where possible should be located within 15 minutes and no more than a 20 minutes' comfortable walk of the Village centre at a comfortable pace. (see map on page 27, Fig 14, Map of Sustainable modes of transport walking distances)</i></li> <li><i>j. The Neighbourhood Plan should be used as a whole.</i></li> </ul>

		<p>Revise bullet letters following deletions.</p> <p><b><i>Apart from Alvechurch Village itself, the neighbourhood area is designated as Green Belt. Inappropriate development will not be <del>permitted</del> supported in the Green Belt unless very special circumstances can be demonstrated (as set out in the NPPF, paragraphs 87 to 89).</i></b></p>
PM2	Policy H3	<p><b><i>Proposals that cannot easily access local services and public transport will not be <del>permitted</del> supported unless sufficient infrastructure can be provided to make the scheme sustainable.</i></b></p> <p><b><i>Open market housing will only be <del>permitted</del> supported where such development...</i></b></p>
PM3	Policy H4	<p><b><i>H4 5 Development that fails to take the opportunities available for enhancing the local character and quality of the area and the way it functions <del>shall</del> will not be <del>permitted</del> supported.</i></b></p> <p><b><i>H4 7 II. They respect prevailing size, layout and access of existing nearby properties and development pattern that is in keeping with the Alvechurch rural locality, following good design principles; (refer to paragraph three(C) above APDS</i></b></p> <p><b><i>H4 8 k. Where appropriate Provide parking spaces located in between houses (rather than in front) so that vehicles do not dominate the street scene.</i></b></p>
PM4	Policy H7	<p><b><i>H7 C. <del>Where significant impacts are identified, M</del>measures to mitigate the adverse impact of the development will be provided and /or secured by planning obligations <u>where remedying these impacts is necessary to make development acceptable in planning terms; where the remedy is directly related to the development and where it is fairly and reasonably related in scale and kind to the development.</u> Such obligations should also be in accordance with Policy BDP 6, Infrastructure Provision.</i></b></p> <p><b><i>H7 D Development that would have an unacceptable impact will not be <del>permitted</del> supported.</i></b></p>
PM5	Policy HDNE 1	<p><b><i>All development proposals for Alvechurch Parish (including alterations, extensions as well as a change of use) should continue to maintain, conserve and enhance the <u>designated</u> built heritage assets of the parish and their settings. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the</i></b></p>

	Appendix B	<p><i>significance of the heritage asset.</i></p> <p><i>HDNE1 2. The Neighbourhood Plan identifies the buildings and structures in the <del>not definitive</del> list in Appendix <del>CB</del> as local heritage assets for the purpose of supporting BDP20 of the Local Plan.</i></p> <p><i><del>4. In parallel with this policy, the Parish Council proposes that these buildings and structures are considered by Bromsgrove District Council for inclusion in the Local Heritage List. However whether they are included on a Local Authority list or not is not necessary for the application of this policy.</del></i></p> <p>Appendix B to the Evidence Base Summary should be re-organised so that all the buildings and structures identified as Non-Designated Heritage Assets are set out in a separate list under that name.</p>
PM6	Policy HDNE 2	<p><i>a. New development within, or adjacent to, or directly affecting <del>the Conservation Area, a heritage asset, building or feature of historic interest, or an area of public open space</del>, should be sensitively designed to conserve and enhance the setting, form, character and sense of place.</i></p> <p><i><del>—b. The demolition of buildings or features that are identified as Local Heritage Assets will not be supported. (See Community Action 3)</del></i></p> <p><i><del>—c. The protection and safeguarding of historic boundaries and historic hedges, especially around the Bishop’s Palace and Deer Park areas.</del></i></p>
PM7	Policy HDNE 4	<p><i>Some of the views considered to be important are listed below. <del>This is not an exhaustive list; there will be other views of equal importance that should be protected where possible:</del></i></p>
PM8	Policies LHW 1 and LHW 3	<p><i>LHW 1 4. Development that would have an unacceptable impact on health and wellbeing within the Neighbourhood Area will not be <del>permitted</del> <u>supported</u>.</i></p> <p><i>LHW 3 Development that would result in any loss of the open space or would cause harm to the character, setting, appearance, general quality or accessibility will not be <del>permitted</del> <u>supported</u> unless the community will gain equivalent benefit from open space improvements or the provision of replacement open space.</i></p>
PM9	Policy LHW 2	<p><i>In accordance with NPPF paragraphs 76 and 77, green spaces as identified on <del>page 69 map Fig 36</del> <u>Figures 37 and 38</u> are designated as Local Green Spaces. The identified Local Green Spaces are:</i></p>

		<i>Development that would harm the openness or special character of a Local Green Space, or its significance and value to the local community, will not be <del>permitted</del> <u>supported</u> unless there are very special circumstances, which outweigh the harm to the Local Green Space.</i>
PM10	Policy BSS 2  Policy BSS 4	<i><b>BSS 2 1. Within the shopping area of Alvechurch (as defined on the adopted BDP Policies Map), proposals for the change of use or redevelopment of existing ground floor shopping facilities to non-A1 uses will be <del>permitted</del> <u>supported</u> where:</b></i>  <i><b>BSS 4 2 The change of use beyond the original purpose of non-permanent and insubstantial buildings such as sheds, out houses, chicken houses, glasshouses or isolated stables will not be <del>permitted</del> <u>supported</u>. The removal of such buildings and the return to open use of the land on which they were located will be supported.</b></i>
PM11	Paragraphs 4.319 and 4.326	4.319 The Neighbourhood Plan accepts that aAny new build on the brownfield site (that is the hall and its outbuildings) should be with not <u>have an unacceptable “minimal impact”</u> on the amenities of the identified nearby residents or other facilities.  4.326 We have acknowledged that the users of the self-styled business park at Bordesley Hall are reducing in number. So we can see that change of business uses and/ or changes to the existing buildings and/ or their removal and subsequent new build may be among the future new business-focussed scenarios for this location. We assert that any such change of use or new build must be confined to the existing site area being brownfield within what is currently a strict Green Belt setting
PM12	Policy BSS 7	<i><b>Policy BSS 7 3 The change of use of Bordesley Hall for general housing purposes, <del>when tested against the sustainability principles underlying this neighbourhood Plan,</del> will not be supported unless it can be demonstrated that the existing use is no longer viable.</b></i>
PM13	Policy GAT 3	<i><b>Policy GAT 3 4 Development proposals likely to have a <del>significant effect</del> severe residual impact on road safety, <del>or which is likely to exacerbate</del> and/or congestion on the highway network will not be <del>granted</del> <u>supported</u> unless such impacts can be adequately mitigated. <del>Where development is likely to lead to increases in traffic flows or congestion, developers must take proportionate steps to mitigate any impact.</del></b></i>

PM14	Policy GAT 1	<p><b><i>Policy GAT 1 1. Proposals for development should identify the realistic levels of traffic they are likely to generate and must assess the potential impact on the local community. Development that would give rise to unacceptable traffic conditions will not be <del>permitted</del> supported.</i></b></p>
	Policy GAT 2	<p><b><i>Policy GAT 2 3. Development at these sites will only be <del>permitted</del> supported when it can be clearly demonstrated there is no longer a need for the parking facility, or equivalent public parking space is provided elsewhere within comfortable walking distance of the Alvechurch Village essential services and in easy access for people with disabilities.</i></b></p>