

INDEPENDENT EXAMINATION OF THE ALVECHURCH PARISH NEIGHBOURHOOD PLAN

EXAMINER: Bob Yuille MSc DipTP MRTPI

Mr Adrian Smith
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Examination Ref: 01/RV/APNP

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Dear Mr Smith and Mr Stanczyszyn

ALVECHURCH PARISH NEIGHBOURHOOD PLAN EXAMINATION

Following the submission of the Alvechurch Parish Neighbourhood Plan (the Plan) for examination, I would like to clarify several initial procedural matters. I also have a number of preliminary questions for Alvechurch Parish Council and Bromsgrove District Council.

1. Examination Documentation

I can confirm that I am satisfied that I have received a complete submission of the Plan and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement and the Regulation 16 representations, to enable me to undertake the examination.

Subject to my detailed assessment of the Plan, I have not at this initial stage identified any very significant and obvious flaws in it that might lead me to advise that the examination should not proceed.

2. Site Visit

I will let you know in due course when I intend to undertake a site visit to the Plan area. This will assist in my assessment of the draft Plan, including the issues identified in the representations.

The site visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter or matters come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

I have a number of initial questions seeking further clarification, which I have set out in the Annex to this letter. I would be grateful if you can seek to provide a written response within three weeks of receipt of this letter.

5. Examination Timetable

As you will be aware, the intention is to conduct the examination (including the site visit) with a view to providing a draft report (for 'fact checking') within 4-6 weeks of submission of the Plan.

However, as I have raised a number of questions I must provide sufficient opportunity for you to reply. Consequentially, the examination timetable will be extended. Please be assured that I will seek to mitigate any delay as far as is practicable. The IPe office team will keep you updated on the anticipated delivery date of the draft report.

If you have any process questions related to the conduct of the examination which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure a copy of this letter, and any responses to the questions I have raised, are placed on the parish council and local authority's websites.

Thank you in advance for your assistance.

Your sincerely

Bob Yuille

Examiner

ANNEX

From my initial reading of the Alvechurch Parish Neighbourhood Plan and the supporting evidence, I have a number of preliminary questions for the Parish Council and Bromsgrove District Council. I have requested the submission of responses within three weeks of receipt of this letter, but an earlier response would be welcome.

Questions to Alvechurch Parish Council

Green Belt and Housing - Background

The position, as I see it from my preliminary reading, is as follows (the numbers shown are paragraphs from the Plan).

- Alvechurch parish, with the exception of the built-up area of Alvechurch Village itself, is washed over by the West Midlands Green Belt (2.8).
- The Bromsgrove District Local Plan 2011-2030 (the Local Plan) only allocates enough land to meet identified housing needs up to 2023 (2.12).
- Further land will need to be taken out of the Green Belt to meet longer term needs (2.12).
- This will be done by way of a Review of Green Belt carried out as part of a Review of the Local Plan (1.9).
- The Alvechurch Parish Neighbourhood Plan (the Plan) will need to be reviewed to reflect any changes made in the Local Plan (2.7).
- As one of the larger settlements in the area, Alvechurch Village will be required to take a proportion of the District's housing. It is certain that new housing will be needed in the Plan area eventually (1.6).
- If, and when, it is decided that land should be released from the Green Belt there will be a revision of the Plan to deal with any necessary changes but until that time housing development will be concentrated within Alvechurch Village (4.38).
- The Plan makes clear that the challenge is not to find a way to stop development but rather to manage change in the best way (1.7).

Given this context, I would like the Parish Council's response to the following points.

1. The suggestion by respondents that the preparation of the Plan should be put, temporarily, on hold as it is premature pending the outcome of the Local Plan Review.

The APNP contains a number of policies specific to the use of land within the Parish, which will become a useful and complementary part of the development plan now (subject of course to the APNP being 'made') for determining planning applications within the neighbourhood area. The plan acknowledges (at paragraphs 2.7 and 4.38) that the strategic issue of housing need and potential Green Belt release within the neighbourhood area is subject to the outcome of the District Plan Review, and that the APNP should be reviewed if material changes to the local planning policy context within the neighbourhood area occurs as a result of the District Plan Review. However it is considered that this should not delay the implementation of other policies within the APNP, or the key aims of the plan more generally, whilst the process of the District Plan Review is still at a very early stage (Issues and Options consultation scheduled to begin on 24 September 2018).

2. The suggestion by respondents that the Plan should either contain policies which would allow for the development of greenfield and brownfield sites in the Green Belt; or that it should review the Green Belt boundaries within the Plan area and allocate land for new development; and/or that it should include details of the consultation exercises that have been carried out on the suitability for development of various sites in the area.

In advance of the District Council Plan Review, including the undertaking of a Green Belt Review, it would be premature of the APNP to assume that land within the neighbourhood area will definitely

be deemed suitable for allocation and/or Green Belt release in the context of land being identified across the entire District to meet outstanding housing need. Whilst Alvechurch village itself is deemed to be a larger village settlement in line with the District Plan's settlement hierarchy (Policy BDP2) and therefore in principle a sustainable location for new development to be considered, the District Plan Review process will be required to ensure sites that are ultimately allocated are suitable, available and achievable when considered alongside reasonable alternatives.

Policy H1: Locations for New Development

3. Policy H1a states that development should be located within the designated Alvechurch Village settlement boundary. This settlement boundary is shown on Fig 15 of the Plan and is identical to the boundary of the 'Residential Area' of Alvechurch shown on the Policies Map of the Local Plan. That being so, is there a need for Policy H1d to state that *development should not extend existing ribbon development and should contain the spread of the Village, by promoting infilling up to its natural physical boundaries* or for Policy H1e to state that *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?* These criteria would appear to relate more to defining a development boundary or restricting development outside a development boundary than to controlling development within a defined development boundary.

It is agreed that parts H1d and H1e are superfluous in the context of already being covered by part H1a with regards to controlling development within a defined boundary. H1a makes it clear where new housing development will be considered acceptable in principle, in conformity with the settlement hierarchy set out in BDP2 of the District Plan, and therefore on reflection it is not necessary for H1d and H1e to deal with issues of development outside the existing Alvechurch village boundary.

4. Is there a need for Policy H1c to deal with the loss of open space, community assets or employment uses when such matters are dealt with elsewhere in the Plan, for example in Policies LHW2, LHW3 and BSS3?
On reflection, it is agreed that H1c duplicates the purposes of specific policies LHW2, LHW3 and BSS3 later in the plan. However it is considered that cross reference to the issues covered by H1c, and the specific policies, would be useful to include in the supporting text to policy H1.
5. Is there a need for Policy H1f to deal with local landscape, natural environment and heritage assets when these are dealt with elsewhere in the Plan, for example Policies HDNE1 to HDNE4?
On reflection, it is agreed that H1f duplicates the purposes of specific policies HDNE1 – HDNE4 later in the plan, but that cross reference to the issues covered by H1f, and the policies this relates to later in the plan, would be useful in the supporting text to policy H1.
6. Is there a need for Policy H1g to deal with the scale, height and form of development when that is dealt with elsewhere in the Plan, for example in Policy H4?
On reflection, it is considered H1g is superfluous as it is already and more appropriately covered in Policy H4.
7. Fig 14 of the Plan appears to indicate that all of the land within the settlement boundary of Alvechurch Village is within 15 minutes' walk of the Village Centre. That being so, is there a need for Policy H1i which requires new development to be within 15 minutes' walk time of the Village centre?
It is agreed that H1i is superfluous in the context of already being covered by H1a with regards to controlling the location of development.

Policy H6: Providing A Mix of Housing Types and Sizes

8. Where will I find the evidence which supports the mix of housing proposed in Policy H6 3a – d?

Within the 'Evidence Base Summary' document, Section 5 "Housing Topic" and specifically pages 27 -28 displays the evidence base used to inform Policy H6. Paragraph 5.8 of this document provides a table displaying 2011 Census data on the existing mix of housing sizes within Alvechurch Parish. This is used as a starting point for the mix proposed in Policy H6 3a-d, albeit Policy H6 is more aspirational in trying to increase the proportion of smaller properties (1 and 2 bed dwellings) in future as a means of catering for first time buyers and more elderly members of the local community seeking smaller properties to live in. This aspiration has been a feature of consultation responses from the local community throughout the preparation of the APNP. Supporting text to Policy H6 at paragraphs 4.102 – 4.105 seeks to explain the intention behind increasing the proportion of smaller properties with reference to paragraph 8.67 of the District Plan and paragraph 6.114 of the Worcestershire SHMA (2012).

Policy H7: New Housing: Improved Services and Facilities

9. The National Planning Policy Framework (the Framework) (paragraph 204)¹ makes clear that planning obligations should only be sought where they are a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development. This is not mentioned in Policy H7. Should it be?

Policy H7 does currently refer to Policy BDP6 of the District Plan as a means of ensuring the APNP is only requesting contributions from developers where this would be in accordance with the District Plan policy on Infrastructure Contributions. However it is accepted that explicit reference to national policy on this issue would improve the clarity of Policy H7.

Policy HDNE1: Built Heritage and Local Character

10. Paragraphs 126 to 141 of the Framework make a distinction between designated heritage assets and non-designated heritage assets. Does Policy HDNE1 make this distinction? For example, does the first sentence of Policy HDNE1.1 refer to designated heritage assets as opposed to the non-designated heritage assets referred to in the second sentence?

Yes, the distinction is intended between designated assets in the first sentence of HDNE1.1 and non-designated assets in the second sentence and it is accepted that this could be made more explicit in the policy wording.

11. Paragraph 126 Framework makes clear, amongst other things, that in framing policies the desirability of sustaining and enhancing the significance of heritage assets must be balanced against the desirability of new development making a positive contribution to local character and distinctiveness. Does Policy HDNE1 have sufficient regard to this?

It is considered that Policy HDNE1 has sufficient regard to the desirability of new development making a positive contribution to local character and distinctiveness, in particular through the criteria at HDNE1 part 5 which provide an opportunity for development proposals to demonstrate how meeting parts 5a – 5d will contribute to local character and distinctiveness.

12. Policy HDNE1.2 states that *the Neighbourhood Plan identifies the buildings and structures in the not definitive list in Appendix C as local heritage assets for the purpose of supporting BDP 20 of*

¹ All references are to the March 2012 Framework (in accordance with the transitional provisions in paragraph 214 of the revised 2018 Framework). View both the 2012 and 2018 versions of the Framework at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

the Local Plan. In the copy of the Evidence Base Summary I have been supplied with, the Assets of Alvechurch Parish are contained in Appendix B. Paragraphs 4.160 and 4.162 of the Plan also refer to Appendix B. Is Appendix B the correct reference?

Yes, this is a typing error and the correct reference at HDNE1.2 should be to Appendix B.

13. On pages 96 -100 of Appendix B is a list of buildings, structures and landscape features. Are all of these non-designated local heritage assets? Is this the full list of non-designated local heritage assets? Why is it described as 'non-definitive' in Policy HDNE1.2?

The items included in the table at pp.96-100 are not all heritage assets (whether designated or non-designated) as this table also includes other community assets which are deemed to contribute to local distinctiveness. Perhaps a clearer title to this table would be useful in providing clarity.

It is accepted that the use of the term non-definitive in HDNE1.2 is potentially misleading and this could be replaced with 'non-exhaustive' or 'iterative' to explain that this list may be added to should a formal local list be produced in conjunction with the District Council.

14. It is stated on page 96 of Appendix B that *the level of protection afforded to a heritage asset on a local list will be dependent on how the local list was prepared. The more robust the process for adding a heritage asset to the local list, particularly in terms of the selection criteria, the greater the weight for protecting the asset.* How was the list of non-designated heritage assets in Appendix B prepared?

The list was prepared by members of the Steering Group, in consultation with members of the local community. A working group formulated lists of assets relating to each of the settlements around the Parish and these lists were then presented throughout consultation events on the plan, including the pre-submission consultation. The Steering Group were guided by the criteria in the BDC Local Heritage List Strategy document (2016), however at this stage the APNP list has not been submitted to the District Council for formal consideration against their selection criteria.

15. On pages 100-107 of Appendix B is a National Heritage List for Alvechurch Parish. Does this list contain all 49 of the Listed Buildings which paragraph 4.143 of the Plan states that Alvechurch has?

On a re-count of the Historic England National Heritage List for England (NHLE), Alvechurch Parish is mentioned as having 46 entries listed. When broken down this equates to a total of 43 listed buildings, 2 moated sites, a telephone kiosk, a canal bridge, 1 Gated Piers and Gates, 1 Gated Pier and Wall and a Medieval cross. It is accepted that perhaps this extra information could be included at para.4.143 of the plan to provide greater clarity.

There are 3 wrong entries mistakenly on the Alvechurch National Historic England List (NHEL); these should be allocated to Barnt Green, Tutnall and Cobley and Malvern lists.

Policy HDNE2: Local Distinctiveness

16. Does policy HDNE2 simply replicate other policies in the Plan, such as HDNE1, HDNE3 and H4?

It is considered that the purpose of HDNE2 is distinct from HDNE1, HDNE2 and H4 in the plan. Policy HDNE2 is intended to deal with specific issues pertaining to the rural character of the neighbourhood area, such as HDNE 3g relating to Worcestershire Farmsteads, as opposed to built heritage issues covered in HDNE1, and design issues in HDNE3 and H4. However it is accepted that HDNE2 point 3a, the part of the sentence: *"the Conservation Area, a heritage asset, building or feature of historic interest or,"* could be removed, as it replicates HDNE 5a. Also HDNE2 3b and 3c would perhaps sit better in Policy HDNE1.

Policy HDNE4: Protecting Landscape and Local Views

17. Planning Practice Guidance (Reference ID: 41-041-20140306) states that a policy in a Neighbourhood Plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. Policy HDNE4 identifies a list of views which local people have determined are valued but goes on to say *'This is not an exhaustive list: there will be other views of equal importance which should be protected where possible.'* Can this aspect of the policy be applied consistently and with confidence?

On reflection, it is accepted that the wording in HDNE4 (as quoted in Q.17 above) is somewhat ambiguous in the context of applying the policy in a consistent manner as development proposals are considered on a case by case basis. We do however feel it is important that the supporting text should be clear that the intrinsic landscape character of the neighbourhood area encompasses the neighbourhood area as a whole and not just the views/vistas listed in the policy wording.

Policy LWH 2: Protection of Local Green Spaces

18. What is the area in hectares of each of the Local Green Spaces proposed in Policy LWH2?

The Wiggin Playing Field is 2.865 ha. - Rowney Green Playing field is 2.045ha. - Hopwood Community Playing field is 1.587 ha. - Alvechurch Village Green is 0.025ha.

Policy BSS7: Bordesley Hall Employment Area

19. The supporting text to Policy BSS7 (paragraphs 4.319 and 4.326) limits new build to the brownfield part of the site which is defined as the hall and its outbuildings. Would this preclude *'proportionate extensions to non-residential buildings'* allowed by Local Plan Policy BDP4.4d? Local Plan Policy 14.4 and 14.5 make a similar point. Is policy BSS7 as drafted in general conformity with these Local Plan policies?

It is agreed that as currently drafted, there is some conflict between BSS7 and BDP4.4 regarding *proportionate extensions to non-residential buildings* within the Green Belt. As such it is felt the policy wording could be amended to reflect this.

20. Policy BSS7 3 states that the change of use of Bordesley Hall for general purpose housing will not be supported. Is this consistent with Policy BSS3 which states that the loss of business in the parish will be resisted unless (my emphasis) it can be demonstrated that the existing use is no longer viable?

It is agreed that a caveat to BSS7 part 3 would be appropriate to ensure the policy wording is consistent with BSS3 and Policy BDP14 of the District Plan. However we do not support the loss of these premises (this site) as a centre for business activity at this time and do not consider this would be a suitably located site for residential development, subject to the outcomes of the District Plan Review.

Policy GAT3: Improving Road Safety and Traffic Management

21. Paragraph 32 of the Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Does Policy GAT3 4 pay sufficient regard to this?

It is accepted that the wording of GAT3 part 4 could be amended to reflect better the wording of paragraph 32 of the NPPF on when development should be prevented or refused.

Adrian Smith, Chair of APNP Steering Group
20 September 2018

Questions to Bromsgrove District Council

1. The District Council has not commented on the Plan at the Regulation 16 stage. Can I take it that the District Council is satisfied that the Plan, in its unmodified state, meets the Basic Conditions?
2. For the purposes of this examination, the development plan for the area is the Bromsgrove District Plan 2011-2030. Is that correct?
3. Work on the Bromsgrove District Plan Review, including a Green Belt Review, has commenced. An Issues and Options report is due to be published imminently. Is that correct?