

Bidford-on-Avon Neighbourhood Development Plan

Proposed amendments to modifications as set out in Examiner's Report

Original Text	Examiner's modification	Amended Text	Justification for amendment
<p><u>Policy H1</u></p> <p>Final sentence originally read:</p> <p>"New housing in the countryside will be strictly controlled and limited to dwellings for rural workers, replacement dwellings and new dwellings in accordance with Policy H2".</p>	<p>Reword the last sentence of the policy to read:</p> <p>"New housing development in the countryside will usually be limited to dwellings for rural workers, replacement dwellings and housing development permitted under Policy H2".</p>	<p>Final sentence proposed to read:</p> <p>"New housing in the countryside will be limited to dwellings for rural workers, replacement dwellings and new housing development supported by Policy H2".</p>	<ul style="list-style-type: none"> • Deletion of word 'usually' • Replacement of 'permitted' with 'supported' <p>It is considered that the inclusion of the word 'usually' is imprecise and can lead to confusion and differing interpretation and inconsistent decision making. The removal of the word will not prevent a future applicant submitting a particular case to the LPA and this being considered on its own merits. It is not considered the removal of this word would lead to the policy failing the Basic Conditions tests and its deletion is recommended.</p> <p>There are inconsistencies throughout the Examiner's report in the use of the words 'permitted' and 'supported'. The Examiner has asked for 'permitted' to be changed to 'supported' in a number of policies, but not others. This amendment is proposed to introduce a consistency of approach throughout the NDP.</p>

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<p><u>Policy H2</u></p> <p>First paragraph originally read:</p> <p>"Affordable housing development will be permitted on small sites beyond, but reasonably adjacent to the development boundaries of the villages of Bidford-on-Avon and the settlements of Barton, Marcliff and Broom where the following is demonstrated:"</p>	<p>Reword the first paragraph of the policy so that it reads:</p> <p>"Affordable housing development will be permitted on small sites beyond, but reasonably adjacent to the village boundary of Bidford-on-Avon and the settlements of Barton, Marcliff and Broom where the following is demonstrated:"</p>	<p>First paragraph proposed to read:</p> <p>"Affordable housing development will be supported on small sites beyond, but reasonably adjacent to the village boundary of Bidford-on-Avon and the settlements of Barton, Marcliff and Broom where the following is demonstrated:"</p>	<ul style="list-style-type: none"> • Replacement of 'permitted' with 'supported' <p>There are inconsistencies throughout the Examiner's report in the use of the words 'permitted' and 'supported'. The Examiner has asked for 'permitted' to be changed to 'supported' in a number of policies, but not others. This amendment is proposed to introduce a consistency of approach throughout the NDP.</p>
<p><u>Para 3.11</u></p> <p>Paragraph originally read:</p> <p>"For the purposes of local needs housing a local connection is defined as the following:</p> <ul style="list-style-type: none"> • Have lived in the village for a minimum of 6 months • Have previously lived in the village for 6 out of the last 12 months or 3 out of 5 years • Have close family currently residing in the village and for at least 5 years • Has full or part time work (not voluntary, seasonal or casual) in the village and has been employed for at least 6 months" 	<p>Reword the paragraph to read:</p> <p>"One of the ways local needs can be demonstrated is through a housing need survey or up-to-date evidence of local housing need. In addition Core Strategy Policy CS.15 allows local needs schemes within and adjacent to settlements including small-scale community-led schemes to meet a need identified by that community. For the purposes of local needs housing for Policy H2 this will usually be based on a local connection with the Parish. A local connection is usually defined as:</p> <ul style="list-style-type: none"> • Someone who has lived in the Parish for a minimum of 6 months • Someone who has previously lived in the Parish for 6 out of the last 12 months or 3 out of 5 	<p>Paragraph proposed to read:</p> <p>"One of the ways local needs can be demonstrated is through a housing need survey or up-to-date evidence of local housing need. In addition Core Strategy Policy CS.15 allows local needs schemes within and adjacent to settlements including small-scale community-led schemes to meet a need identified by that community. For the purposes of local needs housing for Policy H2 this will be based on a local connection with the Parish. A local connection is usually defined as:</p> <p>Someone who has lived in the Parish for a minimum of 6 months</p> <ul style="list-style-type: none"> • Someone who has previously lived in the Parish for 6 out of the last 12 months or 3 out of 5 years • Someone who has close 	<ul style="list-style-type: none"> • Deletion of the word 'usually' <p>It is considered that the inclusion of the word 'usually' is imprecise and can lead to confusion and differing interpretation and inconsistent decision making. It is not considered the removal of this word would lead to the associated policy failing the Basic Conditions tests and its deletion is recommended.</p>

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	<ul style="list-style-type: none"> • years • Someone who has close family (parents, siblings or children) residing in the Parish for at least 3 years • Someone who has full or part-time work in the Parish and has been employed for at least 6 months • Someone who can otherwise demonstrate a connection to the Parish" 	<ul style="list-style-type: none"> • family (parents, siblings or children) residing in the Parish for at least 3 years • Someone who has full or part-time work in the Parish and has been employed for at least 6 months • Someone who can otherwise demonstrate a connection to the Parish" 	
<p><u>Policy H3</u></p> <p>Policy Originally read:</p> <p><u>"Market Housing:</u></p> <p>Developments of 5 or more units should seek to meet the requirements identified by the most current up-to-date evidence such as the Strategic Housing Market Assessment, the Residential Parish Survey conducted to inform this NDP or a Housing Needs Survey.</p> <p>In order to meet the specific needs of the neighbourhood area, market housing will be provided with the following mix:</p> <p>1-bed – 10% 2-bed – 30% 3-bed – 40%</p>	<p>Reword the policy to read:</p> <p><u>"Market Housing:</u></p> <p>Developments should provide a mix of house types and sizes which reflects the most up-to-date needs of the Parish and be informed by the Strategic Housing Market Assessment, Parish level surveys or Housing Needs Surveys as well as any site-specific issues and evidence of market circumstances.</p> <p>As a guide, market housing should be provided with the following mix:</p> <p>1-bed – 10% 2-bed – 30% 3-bed – 40% 4+bed – 20% Total – 100%</p>	<p>Policy proposed to read:</p> <p><u>"Market Housing:</u></p> <p>Developments should provide a mix of house types and sizes which reflects the most up-to-date needs of the Parish and be informed by the Strategic Housing Market Assessment, Parish level surveys or Housing Needs Surveys as well as any site-specific issues and evidence of market circumstances.</p> <p>Unless robust evidence would indicate otherwise, a variety of house types and sizes should be provided with the following mix:</p> <p>1-bed – 10% 2-bed – 35% 3-bed – 40% 4+bed – 15% Total – 100%</p>	<ul style="list-style-type: none"> • Amended wording to second paragraph of the market and affordable housing sections of the policy • Amend % figures relating to 2-bed and 4+bed market housing to bring in-line with Core Strategy <p>It is considered that the addition of the words 'as a guide' creates uncertainty, is overly flexible and undermines the aim and purpose of the policy, although the thrust of the modification is understood and agreed in principle. It is accepted that the modification is put forward in order to ensure the policy meets the basic conditions, so alternative wording has been suggested in order to satisfy the Examiner's concerns over the original wording, whilst at the same time still meeting the basic</p>

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<p>4+bed – 20% Total – 100%</p> <p><u>Affordable Housing:</u></p> <p>Affordable housing will be provided in accordance with Policy CS.17 of the Core Strategy.</p> <p>In order to meet the specific needs of the neighbourhood area, affordable housing will be provided with the following mix:</p> <p>1-bed – 20% 2-bed – 40% 3-bed – 35% 4+bed – 5% Total – 100%</p> <p>The requirement for and provision of affordable housing within the neighbourhood area will continue to be monitored throughout the Plan period in order to ensure that the most up-to-date evidence is used to identify the current need. Such evidence will be used to inform the provision of affordable housing on qualifying sites.</p>	<p><u>Affordable Housing:</u></p> <p>Affordable housing should be provided in accordance with Policy CS.18 of the Core Strategy.</p> <p>As a guide, a variety of house types and sizes should be provided with the following mix:</p> <p>1-bed – 20% 2-bed – 40% 3-bed – 35% 4+bed – 5% Total – 100%</p> <p>The requirement for, and provision of, a mix of different types and sizes of both market and affordable housing within the Parish will be monitored throughout the Plan period to ensure that local needs are being met and to inform this policy."</p>	<p><u>Affordable Housing:</u></p> <p>Affordable housing should be provided in accordance with Policy CS.18 of the Core Strategy.</p> <p>Unless robust evidence would indicate otherwise, a variety of house types and sizes should be provided with the following mix:</p> <p>1-bed – 20% 2-bed – 40% 3-bed – 35% 4+bed – 5% Total – 100%</p> <p>The requirement for, and provision of, a mix of different types and sizes of both market and affordable housing within the Parish will be monitored throughout the Plan period to ensure that local needs are being met and to inform this policy."</p>	<p>conditions.</p> <p>In terms of the preferred housing mix, in her report the Examiner noted that "for market housing, Policy H3 requires a lower proportion of 2-bed houses than CS Policy CS.19. This seems to be at odds with the supporting text that indicates a preference for smaller family homes". However, this did not lead to a proposed modification from the Examiner.</p> <p>Discussions with the Parish Council following the issue of the report indicated that all the percentages set out in Policy H3 should have been within the % ranges set out in the CS and the lower % for 2-bed market housing was a drafting error. The PC would like this opportunity to change the percentages to bring in-line with the CS. It is therefore recommended that this proposed amendment to the NDP be incorporated and consider the policy would still meet the basic conditions with this amendment.</p>

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<p><u>Para 3.20</u></p> <p>Paragraph originally read:</p> <p>"It would be contrary to the principles of sustainable development to allow more homes on greenfield sites than would be necessary to meet identified housing need arising in the neighbourhood area"</p>	<p>Delete paragraph in its entirety, since it is not consistent with national policy and does not reflect the contents of the policy.</p>	<p>Replacement text proposed, as opposed to deletion:</p> <p>"The re-use and recycling of brownfield land, particularly where it is derelict or underused, helps to achieve sustainable development more efficiently than the release of greenfield land".</p>	<ul style="list-style-type: none"> • Replace text rather than delete in its entirety <p>The Examiner made this modification 'in the interests of clarity' and not in order to meet the basic conditions. Instead of deleting the paragraph, amended wording has been suggested by the Parish Council which is factual in nature and is relevant to the context of the associated policy. Bearing in mind this is supporting text, it is recommended that paragraph 3.20 is retained in its amended guise.</p>
<p><u>Policy H5</u></p> <p>First paragraph originally read:</p> <p>"Development of garden land within the defined Village Boundary, as defined on Map 1, will only be permitted if it can be demonstrated that proposals:"</p>	<p>No modification recommended.</p>	<p>First paragraph proposed to read:</p> <p>"Development of garden land within the defined Village Boundary, as defined on Map 1, will only be supported if it can be demonstrated that proposals:"</p>	<ul style="list-style-type: none"> • Replace 'permitted' with 'supported' <p>There are inconsistencies throughout the Examiner's report in the use of the words 'permitted' and 'supported'. The Examiner has asked for 'permitted' to be changed to 'supported' in a number of policies, but not others. This amendment is proposed to introduce a consistency of approach throughout the NDP.</p>

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<p><u>Policy ECON1</u></p> <p>First paragraph originally read:</p> <p>"Proposals for the change of use or redevelopment of land or premises identified for or currently in employment use will only be permitted where:"</p>	<p>No modification recommended.</p>	<p>First paragraph proposed to read:</p> <p>"Proposals for the change of use or redevelopment of land or premises identified for or currently in employment use will only be supported where:"</p>	<ul style="list-style-type: none"> • Replace 'permitted' with 'supported' <p>There are inconsistencies throughout the Examiner's report in the use of the words 'permitted' and 'supported'. The Examiner has asked for 'permitted' to be changed to 'supported' in a number of policies, but not others. This amendment is proposed to introduce a consistency of approach throughout the NDP.</p>
<p><u>Policy ECON2</u></p> <p>Third paragraph originally read:</p> <p>"The change of use of retail or commercial premises in the village centre to residential will not be permitted unless it has been proven that there is no alternative or viable retail or commercial use. Evidence of a robust marketing exercise will be expected as evidence to demonstrate that no alternative use is likely to come forward".</p>	<p>Reword paragraph of policy to read:</p> <p>"The loss of retail, commercial or community uses will be resisted unless it can be demonstrated that the unit is no longer viable for such uses. In the case of changes of use to residential, the provision of flats above shops is supported in principle. Changes of use to residential of the whole unit will not usually be permitted unless it can be demonstrated through a marketing exercise that no alternative retail, commercial or community use will come forward in a reasonable timeframe".</p>	<p>Paragraph proposed to read:</p> <p>"The loss of retail, commercial or community uses will be resisted unless it can be demonstrated that the unit is no longer viable for such uses. In the case of changes of use to residential, the provision of flats above shops is supported in principle. Changes of use to residential of the whole unit will not usually be supported unless it can be demonstrated through a marketing exercise that no alternative retail, commercial or community use will come forward in a reasonable timeframe".</p>	<ul style="list-style-type: none"> • Replace 'permitted' with 'supported' <p>There are inconsistencies throughout the Examiner's report in the use of the words 'permitted' and 'supported'. The Examiner has asked for 'permitted' to be changed to 'supported' in a number of policies, but not others. This amendment is proposed to introduce a consistency of approach throughout the NDP.</p>
<p><u>Policy ENV5</u></p> <p>Final sentence of first paragraph originally read:</p>	<p>No modification recommended.</p>	<p>Final sentence of first paragraph proposed to read:</p> <p>"Proposals that would result in an unacceptable risk to the quality</p>	<ul style="list-style-type: none"> • Replace 'permitted' with 'supported' <p>There were inconsistencies throughout the submission version</p>

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<p>"Proposals that would result in an unacceptable risk to the quality and/or quantity of a water body or water bodies will not be permitted".</p>		<p>and/or quantity of a water body or water bodies will not be supported".</p>	<p>of the NDP in the use of the words 'permitted' and 'supported'. The Examiner had asked for 'permitted' to be changed to 'supported' in a number of policies, but not others. This example of 'permitted' had not been picked up for amendment by the Examiner. The LPA consider it should be amended to introduce a consistency of approach throughout the NDP.</p>
<p><u>Policy ENV7</u></p> <p>First paragraph originally read:</p> <p>"In order to maintain the distinctive character of the neighbourhood area, all new development must have regard to the landscape character and historic landscape features and retention of important landmarks, skylines and views identified in the 'Bidford-on-Avon Parish Landscape Assessment (February 2016)".</p>	<ul style="list-style-type: none"> • Delete 'February 2016 from the policy • Show the key features, landmarks, skylines and views identified in the PLCA on a new Map 'x' • Add to the end of the first paragraph of the policy "...and as shown on Map 'x' 	<p>First paragraph proposed to read:</p> <p>"In order to maintain the distinctive character of the neighbourhood area, all new development must have regard to the landscape character and historic landscape features and retention of important landmarks, skylines and views identified in the 'Bidford-on-Avon Parish Landscape Assessment".</p> <p>The PC did not produce Map 'x' as suggested by the Examiner.</p>	<p>The Parish Council felt that it was not worthwhile producing an entirely new map of the specific valued landscapes, skylines and views which would present difficulties in summarising the PLCA. The Examiner felt it would be "useful" to have such a plan but it was not considered essential or required to meet the basic conditions. The Parish Council are of the view that decision makers will have access to the full PLCA as an appendix to the plan. Policy ENV7 refers to it, so in making a case for or against a particular site the PLCA should be considered holistically. It is concluded that there is no requirement to produce a new map in order to comply with Basic Conditions.</p>
<p><u>Policy ENV8</u></p> <p>First paragraph originally read:</p> <p>"Proposals which cause</p>	<p>Reword paragraph of policy to read:</p> <p>"Proposals which may affect a heritage asset will be required to</p>	<p>Paragraph proposed to read:</p> <p>"Proposals which may affect a heritage asset will be required to include an assessment which</p>	<ul style="list-style-type: none"> • Replace 'permitted' with 'supported' <p>There are inconsistencies throughout the Examiner's report in the use of</p>

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substantial harm to the special historical or architectural fabric and interest of listed buildings and Scheduled Ancient Monuments and their settings will not be supported".	include an assessment which describes the significance of the asset and their setting. Proposals which lead to substantial harm to or total loss of significance of a designated heritage asset will only be permitted if it can be demonstrated that: "	describes the significance of the asset and their setting. Proposals which lead to substantial harm to or total loss of significance of a designated heritage asset will only be supported if it can be demonstrated that: "	the words 'permitted' and 'supported'. The Examiner has asked for 'permitted' to be changed to 'supported' in a number of policies, but not others. This amendment is proposed to introduce a consistency of approach throughout the NDP.

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<p><u>Policy AM4</u></p> <p>The list of sites to be designated as areas of Local Green Space in Bidford-on-Avon included site 9 'Chestnut Way'. This site was also indicated on associated Map 3.</p>	<p>Delete site 9 'Chestnut Way' from Policy AM4 and the designation 'Bid 9' from associated Map 3.</p> <p>The reason given in the Examiner's report was as follows:</p> <p>"Chestnut way [is a] proposed play area, but [is] currently a construction compound. I am informed that the site forms part of a housing development and will be transferred from the developer to the Parish Council. The area is clearly not yet demonstrably special to the community as it currently is not in use as a green space. It therefore does not meet the criteria at the present time".</p>	<p>The LPA propose to retain site 9 'Chestnut Way' in the list of sites to be designated as areas of Local Green Space in Bidford-on-Avon.</p>	<p>There appears to be an inherent inconsistency in the way site 9 (Chestnut Way) and site 7 (Russet Way) have been dealt with by the Examiner. The Examiner has noted that site 7 is a "planned open space on new development" which suggests this site is not yet in community use. The Public Open Space at Chestnut Way will be completed in Spring 2017 and handed over to the management company shortly thereafter. As such, by the time the NDP is 'made' around summer 2017, Chestnut Way will be delivered and in use and therefore valued by the local community.</p> <p>The Examiner has considered paragraph 77 of the NPPF and concluded that since the land at Chestnut Way is not yet available to be used by the community, it cannot meet the criteria for designation as such. However, it is not clear why Russet Way has been assessed differently.</p> <p>Para 012 of 'Open Space, sports and recreation facilities, public rights of way and local green spaces' in PPG states "New residential areas may include green areas that were planned as part of the development. Such green areas could be designated as Local Green Space if</p>

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			<p>they are demonstrably special and hold particular local significance".</p> <p>The PC consider the evidence submitted with the NDP was adequate to satisfy para 012 of PPG and para 77 of NPPF for both Chestnut Way and Russet Way. The Examiner states that Chestnut Way does not meet the criteria 'at the present time' but does not state that the site would not meet the criteria once it is in community use in the future.</p> <p>Given the inconsistency of approach employed by the Examiner and given the site at Chestnut Way will be in community use by the time the NDP is 'made' next year, it is considered that the PC has supplied sufficient evidence to confirm that both sites will meet the criteria once they are brought into use and that they will be in community use prior to the NDP being 'made'. It is recommended that both sites be treated equally and therefore retain site 9, Chestnut Way on the list of sites to be defined as local green space within the NDP.</p>