

North Hertfordshire District Council

Officer Response to the Ashwell Neighbourhood Plan Pre-Submission Regulation 14 Consultation – September 2020

In making this response, Officers recognise the significant amount of work that has been undertaken in the preparation of this draft neighbourhood plan for Ashwell.

Page No. & Paragraph No.	Comments
General comments	<p>There are a number of policies throughout the neighbourhood plan which include some explanatory text. This should be deleted from the policies but could be included in the supporting text.</p> <p>Consideration should be given to the phrasing or the framing of the policies, for example consider replacing developments being “encouraged...” or expected to...” with “planning permission will be granted” or “proposals will be supported where...”</p> <p>Before the neighbourhood plan is submitted, all the references to progress on the emerging Local Plan will need to be updated. This is particularly relevant to the section “Local Policy”, paragraphs 1.11 – 1.14 but there may be other references in the neighbourhood plan.</p>
Page 16 Para 2.15	<p>The 3<sup>rd</sup> bullet point refers to the nearest railway stations being a “drive away”, is this pessimistic for Ashwell and Morden station which is two miles from the centre of the village?</p>
Page 18 Para 4.1	<p>In the final sentence, the neighbourhood plan states that the emerging Local Plan allocates a site for a maximum of 33 homes. This is not strictly correct, Policy AS1 allocates a site at Claybush Road with a dwelling <u>estimate</u> of 33 dwellings.</p>
Page 19 Policy ASH1  ASH1 (B)(iv)	<p>Several parts of this policy duplicate parts of the NPPF or policies in the emerging Local Plan, for example the settlement boundary, the acceptable types of development outside that boundary and the use of brownfield sites. Perhaps consideration should be given to a more positive policy which sets out what types of development would be supported within the settlement?</p> <p>The emerging Local Plan allocates one development site for Ashwell for the period up to 2031 and the neighbourhood plan covers the same period up to 2031. If the Local Plan is reviewed and further allocations made, the neighbourhood plan should also be reviewed.</p> <p>As this part of the policy is currently worded, could it be interpreted that development on any future proposed allocations in a Local Plan Review will be supported?</p>
Page 22 Paragraph 5.9	<p>On a strictly pro-rate basis, using the 2011 population and household figures, Ashwell’s contribution to the total number of dwellings for the District would have been around 200 homes in the submission Local Plan and would have been around 170-180 homes using the latest figures. Therefore it is considered that the first sentence is not strictly correct.</p>

<p>Page 26 Policy ASH2</p>	<p>There is some duplication in this policy with the emerging Local Plan and the way in which affordable housing is delivered in practice. The 2016 Stevenage and North Hertfordshire Strategic Housing Market Assessment (SHMA) Update covers district wide housing need and the advice given to Development Management Officers is based on this evidence including size, type and tenure. In addition, the District Council's programme of undertaking rural housing needs surveys of individual parishes in partnership with Community Development Action (CDA) Herts informs a more specific local need.</p>
<p>Page 26 Policy ASH2(A)</p>	<p>The first sentence states that "Proposals should include a high proportion of smaller one, two and three bedroom dwellings..... Is it necessary to include "smaller" in the policy?</p>
<p>Policy ASH2(B)</p>	<p>Housing development must meet existing and future housing needs and clearly set out identified housing needs in the neighbourhood plan area, including meeting needs of older residents and younger people entering the market and addressing underoccupancy (by tackling downsizing). This is where the rural housing needs surveys undertaken by CDA identifies specific local housing need, including type, size and tenure. The other issue really depends on the site itself and it may be difficult to address the needs of all priority groups, although the provision of smaller dwellings should help. The difficulty of addressing under occupation for people in market housing, particularly older people is reliant on some kind of sheltered scheme such as that at Wolverley House (settle) or a market development such as accommodation provided by specialist developers, like McCarthy &amp; Stone.</p>
<p>Policy ASH2(C)</p>	<p>This part of the policy repeats Policy HS2 in the emerging Local Plan. The word "preference" in the final sentence of this criterion should be deleted. All planning applications are considered on their own merits, no comparisons are made between proposed schemes and therefore there cannot be a preference for one scheme over another. The wording could be amended to state that proposals will be encouraged or supported.</p>
<p>Policy ASH2 (D)</p>	<p>The integration of affordable housing in development is a Council policy requirement, this criterion is a duplication of that policy.</p>
<p>Policy ASH2 (E)</p>	<p>There is provision in the emerging Local Plan for the provision of affordable housing off site or a commuted sum in lieu, but this is only in exceptional circumstances and requires a robust justification. Preference is always for affordable housing to be provided on site. Any commuted sums received cannot be guaranteed to be spent in Ashwell, although it must be spent in North Hertfordshire.</p> <p>The neighbourhood plan could also consider local requirements relating to self-build as an alternative route to home ownership. The District Council can provide further information if required.</p>
<p>Page 28 Para 6.2</p>	<p>The District Council resolved in <a href="#">July 2017</a> that the Ashwell Village Design Statement will be revoked upon the adoptions of a neighbourhood plan. If there are elements in this Design Statement</p>

	<p>which the Parish Council wish to retain, it would be appropriate to include these in the neighbourhood plan, perhaps in Appendix E?</p> <p>Similarly, the five visual character areas referred to in this paragraph were originally included in the District Local Plan No.2 with Alterations and the Design Supplementary Planning Document 2011. Both of these documents will be replaced with the emerging Local Plan and a new Design SPD. The District Council has recently undertaken work to prepare a Conservation Area Character Statement for the village which might also be relevant.</p>
Page 30 Policy ASH3 (A)	Is it possible for development proposals to “preserve” the conservation area? Would it be more appropriate for the wording to be amended to “conserve and enhance”?
Policy ASH3 (Bi)	Should the policy be amended to include the visual impact of other approaches into the village, for example public rights of way or “lesser” highway approaches?
Page 30 Para 6.8	The “Building for Life 12” has been updated to “Building for a Healthy Life” earlier this year. The neighbourhood plan should be updated to reflect these changes.
Page 33 Paragraph 6.11 Bullet point 3	Whilst sites of fewer than 11 units would not be obliged to provide any affordable housing within the NPPF definition they should be expected to meet local housing needs as in Policy HS3 in the emerging Local Plan and Policy ASH2 Housing Mix. With the aims to ensure the sustainability of the village and encourage/ give the opportunity for younger single people and families to remain in the village this is a sensible approach.
Page 34 Policy ASH4 (A) (i) and (ii)	The references to the Lifetime Homes Standard should be deleted as they are no longer used. Reference could be made to the national Technical Housing Standards, Part M of the Building Regulations and to the <a href="#">Hertfordshire Sustainable Design Toolkit</a> .
Page 34 Policy ASH4(vi)	The North Hertfordshire Parking Strategy 2019 – 2031 does not set out parking standards for new development. For residential development proposals, reference should be made to Appendix 4 in the emerging Local Plan or for non-residential development to the Vehicle Parking at New Development Supplementary Planning Document September 2011.
Policy ASH5	<p>There is a significant amount of guidance in the NPPF and the National Planning Practice Guidance about flood risk and the way in which it should be considered in development proposals. The emerging Local Plan also includes policy NE8: Sustainable drainage systems which states that planning permission will be granted if the most appropriate drainage solution is used taking into account a wide variety of criteria and that drainage solutions should follow the Sustainable Drainage Hierarchy. The policy in the neighbourhood plan seems to replicate some of the guidance which is unnecessary.</p> <p>Some of the details included in the policy should be considered further:</p>

	<ul style="list-style-type: none"> <li>• it would appear that the standards mentioned in the policy have been superseded with the DEFRA publication “Sustainable Drainage Systems Non-statutory technical standards for sustainable drainage systems” March 2015;</li> <li>• it is not clear in what circumstances it is intended that this policy will be applied, is it for major development proposals, single dwellings or industrial premises or extensions?</li> <li>• it might not always be possible to demonstrate how the design of a SuDs scheme will enhance wildlife and biodiversity, for example tanked system is provided; and</li> <li>• It might not be appropriate to request maintenance plans in all circumstances.</li> </ul>
Page 40 Policy ASH7 (B)	Planning policies are limited in what they can seek over and above the requirements set out in the Building Regulations. It may be that those elements of the policy which seek to achieve particular standards are taken out of the policy and included elsewhere in the plan as community aspirations. It should be noted that the policy can only be applied to those alterations which need planning permission.
Footnote	In the Conformity reference at the end of Policy ASH7 there is a reference to Policy D48 in the emerging Local Plan – should this be Policy D4?
Page 40 Paragraph 6.25	The section heading should be amended, should the word “structure” be deleted as it is not clear what “buildings of structure or character” means?
Page 41 Para 6.29	The paragraph refers to the “Local List”, does this mean ‘Buildings of Local Interest’?
Page 41 Policy ASH8 (A)	The policy as worded is contrary to paragraphs 194 and 195 of the NPPF and should be amended.
Page 42 Para 6.34	The significant views are identified as V1, V2 etc. This is the same as the visual character areas V1 – V5. This could cause confusion, it would be helpful if the notation is amended.
Page 56 Policy ASH11 (B)	The wording of this criterion should be amended to reflect paragraph 175 (b) of the NPPF.
Page 57 Policy ASH12 (B)	The first part of this criterion simply sets out what is stated in the NPPF and should be deleted.
Page 60 - 61 Policies ASH13 and ASH15	<p>The Government has announced that there will be changes to the Use Classes Order from 1 September 2020 to make it easier for high street uses to change use without the need for a planning application. (<a href="#">The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020</a>)</p> <p>A new “E” Use Class will be introduced which will include premises which were previously classified in the following use classes: A1, A2, A3, B1a, B1b, B1c, D1 and D2.</p>

	In light of the changes announced by the Government to the Use Classes Order, the Parish Council will need to review both the policy wording and the supporting text to ensure that these neighbourhood plan policies are in conformity with the new Regulations and meet the Basic Conditions.
Page 65 Policy ASH16 (A)	The word “strongly” should be deleted from the first sentence.
Page 67 Policy ASH17	As mentioned above, the Use Classes Order will change on 1 September 2020 and the A4 Use Class will become obsolete. Pubs and drinking establishments will be classified as “Sui Generis” uses. The policy will need to be amended to ensure that it is compliant with the new Use Classes Order. The policy also duplicates some of the provisions included in Policy ETC7 of the emerging Local Plan which is unnecessary.
Page 68 Policy ASH18	The Council understands the aims of this policy. However, the new Use Classes Order places clinics and health care facilities in the new “E” Use Class. The Parish Council might wish to review this policy and the supporting text in conjunction with Policies ASH13 and ASH15.
Page 68 Policy ASH18 (C)	This criterion cannot be used to determine a planning application and should be deleted from the policy. It could be added to a separate section of the neighbourhood plan which includes other “community aspirations”.
Page 70 Policy ASH19 (B) and (C)	<p>Criteria (B) and (C) should be deleted from the policy.</p> <p>The way in which the impact a development has on education provision is already considered by the District Council when considering a planning application and developers are encouraged to seek advice from Hertfordshire County Council. This is explained in both the adopted Planning Obligations Supplementary Planning Document, 2006 and the draft Developer Contributions Supplementary Planning Document 2020.</p> <p>It is not possible to “ring fence” contributions for education to the parish. Any contributions secured for education are made to mitigate any impact on education provision and this may be required for facilities which are not available within the Parish.</p>
Page 72 Policy ASH20 (A) and (F)	<p>Could the policy be made more positive in its approach, as recommended in the guidance published by Locality “<a href="#">Writing Planning Policies : A toolkit for neighbourhood planners</a>”? This could be achieved by re-ordering the criteria and re-wording criterion (A).</p> <p>Criterion (F) is not a planning policy but it could be added to a separate section of the plan which includes other “community aspirations”.</p>
Page 72 11.10	A reference should be made to Hertfordshire County Council’s current Rural Transport Strategy July 2019 – 2031 to ensure policy

	consistency, as reference is made to HCC's current Rights of Way Improvement Plan 2017/18 – 2027/28.
Page 74 Policy ASH21 (C)	Criterion (C) is not a planning policy which can be used to determine planning applications and should be moved to a "community aspiration" section of the neighbourhood plan. Cambridgeshire Council should read as Cambridgeshire County Council.
Page 74 Policy ASH22	Should reference be made to NHDC's current Parking Strategy 2019-2031 and Vehicle Parking at New Development Supplementary Planning Document 2011 to ensure policy consistency?