



Representations

Astbury Neighbourhood Plan

Stage: Regulation 14

14-250

Project : 14-250
Plan : Astbury Neighbourhood
Plan
Stage : Regulation 14

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1. Introduction

- 1.1 We are instructed by our client to submit representations on his behalf to the proposed Astbury Neighbourhood Plan.
- 1.2 Our client owns an agricultural building and land within the Parish of Astbury and therefore the proposed policies relating to agricultural buildings are of particular relevance.

2. Response on proposed policies

- 2.1 Chapter 4 of the draft neighbourhood plan relates to housing. Within the justification and evidence section of this chapter, reference is made to the policy aims to deliver a choice of homes to meet local needs to reflect Policy PG2 in the emerging plan. Policy PG2 refers to housing within '*other settlements and rural areas*' as small scale infill and the change of use or conversion of existing buildings. It states that whilst affordable housing may be justified, local needs can also be met within larger settlements.
- 2.2 **Comment:** Chapter 4 of the draft neighbourhood plan makes reference under policy aims to conversion of buildings and infill of a small gap with up to 2 dwellings but not specifically to changes of use.
- 2.3 In addition, the text goes on to define local need as "*accommodating households who are either current residents in Cheshire East or have an existing family or employment connection in the parishes.*" In our view, this definition is unduly restrictive and does not meet the statutory tests relating to the justification for imposing conditions that are not necessary, nor precise nor enforceable. This policy aim is not supported by sufficient justification for this restriction.
- 2.4 **Policy P1** – this policy refers to the local needs restriction on housing at section d) where it refers to the re-use of "*...redundant or disused structurally sound buildings to meet local needs.....*".
- 2.5 **Comment:** This restriction would conflict with paragraph 90 of the National Planning Policy Framework that strongly promotes the sustainable re-use of buildings provided they are of permanent and substantial construction. In addition, both emerging local plan policy and government guidance on the re-use of buildings make no reference to these buildings as 'redundant' or 'disused'. The proposed restriction on the re-use of buildings for local needs, assuming that this is based on the same definition that is provided on page 9 of the draft plan, is

again, unduly restrictive and again conflicts with paragraph 89 of the NPPF where there is no reference to developments for “local needs” only.

- 2.6 The Examiner on the Bunbury Neighbourhood Plan in his report with regard to imposing a set of criteria on the re-use of redundant buildings considered that the proposed policy went well beyond national and local planning policies as well as conflicting with permitted development rights.
- 2.7 **Policy P2** – this policy specifically refers to housing to meet local needs.
- 2.8 **Comment:** the policy states that the community would like to see planning conditions and/or planning obligations requiring the first occupants to be residents of Astbury or with an Astbury connection, then adjoining parishes and finally Cheshire East. In the case of essential agricultural dwellings the same criteria is said to apply.
- 2.9 We object to the policy as in our view it would not be acceptable to place such restrictive conditions or obligations on planning permissions. Whilst we accept the requirement to consider local housing needs, the use of such restrictive conditions would stifle development and growth within the village and would be contrary to local and national guidance as referred to in our response at paragraph 2.5 above.
- 2.10 **Policy P4** – relates to the design of housing proposals.
- 2.11 **Comment:** the policy states that housing proposals should be in small groups, defined as no more than 4. No justification is provided for restricting the number to 4 dwellings, particularly in respect of redeveloping brownfield sites and assisting housing growth.
- 2.12 With regard to amenity space the policy states that the size of amenity space should be in scale with the dwelling. We object to the policy as no evidence is provided as to the definition of “in scale” with the dwelling.
- 2.13 **Policy P5** – this policy refers to parking.
- 2.14 **Comment:** the policy refers to parking in between houses rather than in front. However, the overall policy does not explain whether this refers to parking for all types of development or if it is intended for residential parking. No reference is made to the need for vehicles to be able to enter and leave a site in a forward direction.

- 2.15 **Policy P8** – this policy relates to the use of rural buildings for small business, recreation or tourism. Reference is made to the change of use of agricultural buildings including stables.
- 2.16 **Comment:** It should be noted that the reference to 'stables' needs clarification as to their intended purpose as stables do not fall under an agricultural use.
- 2.17 This policy requires applications for the change of use of such buildings within 4 years of completion to be accompanied by evidence that the building was used during that period for its intended agricultural use.
- 2.18 This requirement for evidence on the use of such buildings is also unacceptable as it would delay the re-use of such buildings, contrary to the aims of national policy which strongly supports bringing such buildings back into use, as specified by the Examiner in his report on the Bunbury Neighbourhood Plan.
- 2.19 The re-use of rural buildings should not be supported only for small business, recreation or tourism for it to comply with national policy. The re-use of such buildings could be appropriate for other uses, notably as dwellings but also for example for retail, hot food and community uses. The policy should be amended accordingly.
- 2.20 The Examiner stated in his report, in relation to Bunbury's proposed Policy E3 on the use of rural buildings, that the Framework supports the sustainable growth and expansion of all types of business and enterprise in rural areas through the conversion of existing buildings." In this respect, policy P8 of the Astbury plan would also fail to have regard to paragraph 28 of the Framework.
- 2.21 In the Examiner's report reference was also made to the phrase "appropriate to a rural location" as part of the Bunbury policy. The view taken by the Inspector was that this was confusing and did not provide clarification or guidance and no justification was provided for this approach. We reiterate the same comments here as Policy P8 uses the same phrase.
- 2.22 **Policy P13** – New development in the open countryside or green belt
- 2.23 **Comment:** this policy restricts new development to that which requires a countryside location and cannot be accommodated within settlements. No indication is given as to what development this would entail and therefore the policy is not clear nor precise and therefore is

confusing. Reference is made to inappropriate development in the greenbelt being harmful and should not be approved. However, no reference is made to development that is not inappropriate in accordance with para 89 of the NPPF, nor to inappropriate development being allowed where very special circumstances have been demonstrated. This policy does not support national planning policy guidance.

2.24 **Policy P14** – sets out the requirements for extensions and alterations to existing buildings in the open countryside.

2.25 **Comment:** It is noted that reference is made to materials reflecting the rural character of the area and for extensions to be constructed of traditional materials. It should be emphasized that extensions should match the materials used in the construction of the existing building. In this policy there is no reference to size of extensions; they should not be disproportionate in size to the original building as required by national policy.

2.26 In the report for the Bunbury NP, the Examiner noted that many residential alterations and extensions can take place without the need for planning permission and that the Bunbury policy sought to impose a requirement for all extensions and alterations to existing buildings to enhance their character and appearance. No evidence had been submitted to suggest that the proposed policy had regard to national policy nor was it in general conformity with local plan policy. The Examiner also questioned what would be the requirements if an application was submitted that wasn't in keeping with the surrounding development and that traditional materials may not be appropriate. The same considerations apply to this NP.

2.27 **Policy P15** – Environmental sustainability of buildings

2.28 **Comment:** this policy states that where appropriate, in all new developments sustainable drainage schemes should be used to provide new wildlife areas. In the Examiner's report on the Bunbury neighbourhood plan, with reference to a similarly titled policy, he stated that this was an onerous requirement that would not be relevant to many developments for example household extensions. The same comments apply here.

2.29 Policy P16 – this policy specifically refers to agricultural buildings.

- 2.30 **Policy P27** – also relates to the extension and alteration of existing buildings.
- 2.31 **Comment:** this policy duplicates policy P14. However, it does refer to the size of extensions and alterations to existing buildings.
- 2.32 Comment:** In part this policy repeats policy P8. It refers again to the use of such buildings for business, recreation and tourism. Reference should include changes of use of such buildings. However, no reference is made within the Neighbourhood Plan to the re-use of buildings for dwellings. As written, the NP does not reflect national policy. Distinction needs to be made between the two policies to make it clear what they relate to. Also reference is made to riding schools and equestrian centres within this policy; this should be a separate policy as it is not an agricultural use.
- 2.33 **Policy P22** – this policy relates to 'Parking'.
- 2.34 **Comment:** this policy makes reference to CEC's parking standards and the requirement for off road parking provision to be completed and made available before the first occupation of the proposed development. However, the policy refers to all new developments. There is no specific use to which this parking policy is aimed at and again, both this policy and Policy P5 on parking should be clarified.
- 2.35 **Policy P25** – this refers to the built environment but also makes reference to the local character of the immediate environment with respect to the conservation area in the village.
- 2.36 **Comment:** it is unclear what the above policy is aimed at providing guidance on. Guidance on the conservation aspects of the village should be provided separately.
- 2.37 The policy states that all new development require a Design and Access Statement. It should be made clear that D&A's are only required for major development or where any part of the development is in a conservation area and consists of more than one dwelling or the provision of a building or buildings where the floorspace would be 100 square metres or more.
- 2.38 **Policy P27** – this refers to proposed extensions and/or alterations to existing buildings.
- 2.39 **Comment:** this policy duplicates Policy P14. This policy then goes on to state that existing buildings should reflect the size and scale of "*existing and adjacent dwellings*". If the policy

relates specifically to dwellings, as it appears to from the rest of the policy, then the title of the policy should be changed to dwellings.

2.40 **Policy P28** – this policy is titled “replacement development”

2.41 **Comment:** this policy in fact refers to replacement dwellings and should be referred to as such. The policy should incorporate the requirement of bullet point 3 of paragraph 89 of the NPPF relating to existing buildings on site. National policy makes no reference to the size of the site, the scale of surrounding existing development and for replacement buildings to be in keeping with neighbouring properties.

2.42 In the Bunbury NP the Examiner noted that no evidence had been submitted to show that the size of a dwelling should be similar to that it is replacing nor was there a distinction between a dwelling or another use and at the same time to be in keeping with neighbouring properties. The inspector recommended that that policy be deleted. The same consideration applies to this policy in the draft Astbury NP.

2.43 **Policy 29** – Backland development

2.44 **Comment:** this policy should include the word ‘adversely’ between ‘would’ and ‘impact’.

2.45 Development should only be resisted where it would adversely impact upon residential amenity.

2.46 **Policy 31** – Existing Facilities

2.47 **Comment:** The second clause of paragraph 2 relating to providing equal or greater benefits to the community is objected to. If it is demonstrated that the public house or other community infrastructure had been marketed for at least 12 months and the building is vacant and prone to disuse and vandalism then a replacement use which brings the building back into a beneficial use is all that should be required.