

## Church Fenton Neighbourhood Development Plan

### Examiner's Clarification Note

This Note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt matters of clarification are entirely normal at this early stage of the examination process.

#### ***Initial Comments***

The Plan provides a clear and concise vision for the neighbourhood area.

The overall Plan is presented in a very attractive and colourful way. The photographs and maps are particularly impressive. The schedule of policies on page 11 and their relationship with the various Themes set out in the Plan provides a clear sense of purpose and direction.

#### ***Points for Clarification***

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now in a position to raise issues for clarification with the Parish Council. There are also specific questions for the District Council.

The comments made on the points in this Note will be used to assist in the preparation of my report and in recommending any modifications that may be necessary to ensure that the Plan meets the basic conditions.

I set out specific clarification points below in the order in which they appear in the submitted Plan.

#### ***Questions for the Parish Council***

##### ***Answer in blue italics***

##### ***Policy H1***

Is the restriction of ten houses in the policy consistent with the status of Church Fenton as a Service Village in the District settlement hierarchy?

***The updated local plan (currently under consultation) does not have any sites recommended for development within the SHLAA***

***The current permissions within Church Fenton have house building applications ranging from one house (Nanny Lane) to nine houses (adj Bridge Close).***

Will part a) of the policy (size restriction) prevent the intentions of part c) of the (on housing mix and size) being delivered?

***As only smaller sites have been granted permission, this will automatically ensure the mix of houses is varied, due to the size of the area available to build and the part of the village e.g. bungalow on Nanny Lane, larger houses 9 to be built adj Bridge Close etc. As the smaller one off builds tend to be self-build this will ensure the builds reflect the demand.***

How would the 'preference' for community-led housing schemes work in the development management process? Would other schemes not be supported?

***This is just a preference; we have active community groups and would support the development of a community led housing group however this is just a preference and would not be an immediate NO to other types of houses/developments.***

How would 'meaningful' public engagement be assessed? In any event is it more of a process-related matter rather than a land use planning policy?

*We are comfortable to remove the reference to meaningful. We recognise it is not easy to measure 'meaningful' and therefore suggest final part of the sentence*

*"with evidence of ~~meaningful~~ public engagement".*

*As we would still want to work on engaging with the community to gain community support and understand their needs and wants.*

### *Policy H2*

This is generally a very good policy.

I saw that the majority of houses in the neighbourhood area are two storeys in height. However, does the first criterion of the policy run the risk of being too prescriptive on the height issue?

*The aim is to keep with the character of the existing settlement, perhaps changing the statement to be either:*

- a) The type of housing should be distinctive in design, ideally one or two storeys with gardens*
- OR*
- Removed altogether as B i & B ii covers this*

*The working group preference would be adding the word ideally to sentence A as we believe this provides a better level of protection and direction for new developers for specific areas of our village.*

Would this part of the policy work equally-well if it required that building heights took account of the layout, form and height of houses in the immediate locality of the site concerned?

*As above*

### *Policy H3*

I saw the potential importance of the identified key views. However, is the approach reasonable given that many of the views are not sourced from publicly-accessible points?

*The views as illustrated by arrows all originate from the highway or public rights of way (the arrows are between the original point and the view of the Church)*

*View 5 = Footpath 11*

*View 4 = further along footpath 11*

*View 3 = Footpath 8*

*View 2 = Unregistered footpath that has been in regular by all members of the public use in living memory*

*View 1 = Lockton Court bench*

*Suggestion from the working group – we can provide photographs of the views from public footpaths – as with the pic on page 20 (A view from the church from point 3 of the map below) – would this be useful/required?*

### *Policy AS2*

Is there any specific reason why the policy includes 'where these can demonstrate community support through public consultation and engagement'?

Is this not an issue which would be addressed through the development management process?

*The working group agree, this can be edited to remove the wording "where these can demonstrate community support through public consultation and engagement" as this is a given.*

### *Policy EGS1*

From my visit it was clear that St Mary's House to the immediate south of the Church has a very different character to that of the Church itself and its garden is domestic in its appearance.

Has the Parish Council considered St Mary's House separately against the criteria in paragraph 100 of the NPPF?

*Agree that St Marys House should be removed and the maps amended to show that (Map 4 and LGS 6 in the appendix.*

Please can the Parish Council confirm the sizes of Local Green Spaces (LGS) 6 and 7 as shown in Appendix 1.

*LGS 6 (as amended) and 7 – both are 0.75 ha to 08ha – amend Appendix 1.*

### *Policy EGS3*

The first sentence suggests that there are active proposals for the improvement of these areas. Is this the case?

*Yes, recommendation as part of the Local Plan (under consultation) is to extend the Strategic Countryside Gap, the PC are in support of this move.*

Otherwise, is the intention of the policy to ensure that any development proposals do not cause unacceptable harm to green infrastructure?

*That is the intention of extending the corridor*

### *Policy CH1*

I am minded to recommend a modification to this policy to ensure that it has regard to paragraph 197 of the NPPF.

Does the Parish Council have any comments on this proposition?

*We accept this recommendation.*

*197. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

## Policy CH2

Is the first paragraph of the policy a process matter (relating to the remainder of the policy) rather than a policy in its own right?

*The first para is a policy. Perhaps the policy would be better worded thus:*

Within Church Fenton’s historic core, as defined in the Policies Map:

a) Where development affects Listed Buildings, or their setting, a Heritage Impact Assessment should be required to assess what impact such developments may have upon the significance of the designated heritage assets.

b) All new development within the historic core or affecting its setting must demonstrate good quality design. This means responding to and integrating with the landscape context and existing built environment. Specific regard should be paid to:

- ensuring the heights of new buildings relate to, and avoid overlooking and dominating, adjacent properties;
- ensuring that for extensions and alterations, the characteristics of the original building are reflected and not overwhelmed;
- reflecting and respecting nearby buildings within the historic core with regard to materials, textures, shapes, colours and proportions including doors, windows, plus height, pitch and ridge of roof;
- achieving high quality design that respects the scale and character of existing and surrounding buildings.

Support will be given for development that respects the character and appearance of the historic core and which takes the opportunities available for improving the local character and quality of Church Fenton.

*Also re Policy CH2: We note the map 6 on p40 is wrongly labelled and should read ‘Church Fenton Historic Core’.*

*We also recommend that the new build on Hall Close is removed from this map as shown as a positive building, as well as from the policies map later. These ‘positive building’ labels preceded the new build and referred to a previous now demolished set of buildings.*

## Policy NR1

Could the schedule of bullet points in part a) of the policy be captured in the Issues and evidence section?

*NR1 – we notice, on p46 the heading HSR1 needs to be amended to NR1.*

*Regarding the policy itself, we feel this detail would be lost if in the evidence section. The bullets are drawn from advice from HS2 and is a comprehensive list of what should be taken into account. Removing them could potentially lead to a loss of focus of the policy by just referring to the occasionally ambiguous term of 'sustainable development'.*

Is the third part of the policy more of a community engagement strategy matter rather than a planning policy matter?

*We agree to remove point "c) The design is developed through engagement to seek people's views and ideas on the aesthetic design of the visible buildings and permanent structures."*

#### *Policy NR2*

Is this policy needed?

Will the issues it addresses have already been considered as part of whatever consents regime is required for the construction works?

Policy NR2 b) reads more as a matter for developers and other agencies. Please can the Parish Council comment on its approach to this matter?

*This policy was put to developers and we are endorsing the content of the discussions and agreement with developers HS2.*

*We agree b) doesn't really add much from a planning perspective, but we think the policy and where it emerged from (as stated above) is relevant. Suggest re-word:*

During the period leading up to and during construction through the Neighbourhood Area, the developer and their contractors should seek to limit adverse environmental impacts upon the community & its environment. To aid this aspiration, the developer will produce a sustainable development policy setting out defining principles regarding all aspects of operations and how potential impacts will be avoided or mitigated in respect of all areas where there is potential for impact.

### *General*

Has the Parish Council considered how it would monitor the effectiveness of a 'made' Plan?

*Not easily quantifiable but a regular review of our community actions and commitment to progress the plans e.g. conservation area.*

*The recommendation is that PC will include a review of the NDP policies as part of their task to comment on new planning applications and utilise this as part of arguments both for and against specific development or ensuring modifications are made to applications to adhere to the principles of the NDP.*

Has the Parish Council considered how and when it might review a 'made' Plan in general, and in relation to the eventual adoption of the Selby Local Plan in particular?

*Recommendation the PC work with the current working group & parishioners to review on a biennial basis or earlier if there are areas of concern/interest in or around Church Fenton including, but not limited to, climate control action, infrastructure requirements.*

### **Question for the District Council**

Is the District Council continuing to work to the timetable for the production of the Local Plan as set out in the Seventh Local Development Scheme 2019-2023?

Please can the District Council advise me if a decision is made on the proposal for residential development on land south of Main Street (2017/0736/REMM) following the hearing held on 9 February 2021 whilst the examination is taking place.

### **Representations**

Does the Parish Council wish to comment on any of the representations made to the Plan?

In particular does it wish to comment on the representations from:

- Makin Enterprises;
- AAH Planning; and
- Selby District Council?

### *No further comment*

I would be grateful for responses and the information requested by 19 March 2021. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

In the event that certain responses are available before others I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled please could it come to me directly from the District Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

Andrew Ashcroft

Independent Examiner

Church Fenton Neighbourhood Development Plan.

4 March 2021