Responses to the examiner's initial guestions - Queniborough Neighbourhood Plan

Independent examiner (John Slater) comments/ questions = black text Charnwood Borough Council response = red text Queniborough Parish Council response = blue text

Introductory Remarks

1. As you will be aware, I have been appointed to carry out the examination of the Queniborough Neighbourhood Plan. I have carried out my initial review of the Plan and the accompanying documents which I have been sent. I visited the village and the surrounding countryside on Tuesday 27th October, spending the afternoon visiting all the sites and those referred to in the Regulation 16 representations.

2. My preliminary view is that I should be able to deal with the examination of this Plan by the consideration of the written material only. I do have to reserve the right to call for a public hearing, if I consider that it will assist my examination, but that may only be necessary, if there are issues that emerge from the responses to this note, which I feel warrant further exploration. If I do have to call a hearing, it would have to be via a video conference call, in the current COVID 10 climate.

3. Set out in the following paragraphs are a number of matters that I wish to receive either clarification or further comments from the Parish Council or in some cases from Charnwood Borough Council. Such requests are quite normal during the examination process and the replies will help me prepare my report and come to my conclusions.

Regulation 16

4. I would firstly like to offer the Parish Council the opportunity to comment on the representations that were submitted as part of the Regulation 16 consultation. I am not expecting a response in respect of every point, just those that the Parish Council feels it needs to respond to.

For Parish Council to action

Introduction

Queniborough Parish Council (QPC), as Qualifying Body, welcomes the opportunity to address the initial comments of the independent Examiner. QPC's response to each matter is set out below. However, QPC would also like to alert the Examiner to three matters that have arisen following the submission of the Queniborough Neighbourhood Plan (QNP) which may be relevant to the Examination.

Leicester & Leicestershire 2050: Our Vision for Growth

QNP paragraphs 1.17-1.20 concern the Strategic Growth Plan as Queniborough is potentially affected by proposals for a new section of the A46 expressway. QPC understands that Midlands Connect now believe the scheme is not a realistic option and that the Growth Plan will need revision as a result. This will have implications for paragraphs 1.17-1.20 of the QNP.

Five-Year Housing Land Supply

On 7 October 2020, Charnwood Borough Council (CBC) gave early notice of a change to Charnwood's Five-Year Supply position. Reviewing the five-year supply position using the national formula, shows from 9 November there will be a total of 4.10 years of supply of housing land against the local housing need figure. This means from 9 November 2020, CBC will no longer be able to demonstrate a five year supply.

In the circumstances, QPC is keen to ensure that the area will benefit from the protections set out in paragraph 14 of the National Planning Policy Framework. Therefore, QPC welcomes any Examiner recommendations that ensure that the QNP contains policies and allocations to meet its identified housing requirement.

Land at Melton Road, Queniborough

On 12 October 2020, an outline planning application for the erection of up to 200 dwellings was submitted by Hallam Land Management Limited (HLM) (P/20/1605/2). The proposal relates to the representations of HLM on the QNP.

QPC is of the view that that the development proposed is so substantial, that to grant permission would undermine the neighbourhood plan-making process by predetermining decisions about the scale and location of new development that are central to the emerging plan. However, QPC believe it likely that the HLM planning application will be determined after the publication of the Neighbourhood Plan Examiner's Report. In such circumstances, CBC must have regard to the post-examination draft neighbourhood plan, so far as material to the application.

Regulation 16

The publicity, engagement and consultation completed throughout the production of the QNP has been open and transparent, with numerous opportunities provided for those that live, work and do business within the area to feed into the process, make comment, and to raise issues, priorities and concerns. It follows that many of the Regulation 16 representations have previously been considered and we draw the Examiner's attention to Appendix 2 of the submitted Consultation Statement which sets out the Regulation 14 representations and QPC's response to each.

Notwithstanding, the Examiner's Initial Comments focus on many of the key issues raised by the Regulation 16 representations and QPC's response to each is set out below.

Policy Q1 - Parking

5. I have compared the neighbourhood plan's parking standards set out in Appendix 2 with the Charnwood Vehicle Parking Standards for New Development which I found on the web and I was surprised to see that the Parish Council in a number of instances is proposing a standard that is either the same or lower than required by the Borough Council. This is somewhat unusual in my experience, as neighbourhood plans are usually promoting higher parking requirements. Is this a deliberate choice of the Parish Council and is there any underlying empirical evidence to justify a different parking standard to the rest of the borough where the two standards depart?

The Charnwood Vehicle Parking Standards for New Developments are the currently adopted parking standards, given weight by Saved Policy TR/18 of the Local Plan (2004): https://www.charnwood.gov.uk/files/documents/appendix 1_vehicle_parking_standards_for_new_developments/Vehicle%20Parking%20Standards.pdf

It may be helpful to note that the emerging Local Plan proposes to give weight to the Leicestershire Highway Design Guide (see page 53 onwards) for parking standards (which is currently only used as a material consideration):

https://resources.leicestershire.gov.uk/sites/resource/files/field/pdf/faq/2019/2/6/Part-3design-guidance.pdf

To give some permanence to policy Q1, it may be helpful to consider it in the context of the Leicestershire Highway Design Guide, although it is for the Parish to clarify their intensions.

Policy TR/18 of the Borough of Charnwood Local Plan 1991 – 2006 concerns Parking Provision in New Development. The adopted parking standards 'Vehicle Parking Standards for New

Development' were included as Appendix 1 to the Local Plan 1991 – 2006. QPC understands that nether Policy TR/18 or Appendix 1 has been superseded by policies in the Local Plan Core Strategy (2011-28). However, Core Strategy paragraph 8.28 refers to the car parking standards of the 6C's Design Guide which it states is 'the starting point for defining proposals which affect transport in Charnwood and include car parking standards to be applied in new developments'.

It would perhaps be helpful if CBC could clarify which parking standards are in operation, although in any event it might be preferable for Policy Q1 to refer to Appendix 1 of the Borough of Charnwood Local Plan 1991 – 2006. This is because the Leicestershire Highway Design Guide is not a suitable starting point for the application of Car Parking Standards. These standards (other than residential) are taken from RPG8 which has been revoked. Furthermore, they are expressed as maximum vehicular parking standards contrary to NPPF paragraph 106 which states that 'maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification...'.

Policy Q2 – Local Green Spaces

6. My view is that the matrix set out in Appendix 3 does not provide sufficient evidence to justify why each of the areas are demonstrably special to the local community. I would invite the Parish Council to provide a commentary as to why each site meets the highest threshold for protection in terms of their significance to local residents. I would specifically ask for the Parish Council to respond to the Reg 16 objection which suggests that the grounds of Old Hall are actually the private garden of a residential property (albeit extensive grounds), which would not ordinarily be classed as a green space. I noted that there appears to be no public access and there are only glimpses into the site from the adjoining public right of way through the hedge. In what way does this green space serve the local community?

Charnwood Borough Council's position on the proposed local green spaces is set out in the Regulation 16 response.

QNP Appendix 3: Local Green Space sets out a Summary of Reasons for Designation. The full reasons are set out on the QNP page of the QPC website: <u>https://www.queniboroughpc.org.uk/neighbourhood-plan.html</u>

Planning Practice Guidance (Paragraph: 017 Reference ID: 37-017-20140306) makes it clear that land can be considered for designation even if there is no public access. Our March 2019 Questionnaire demonstrated that 47% supported the designation of the grounds of Old Hall as Local Green Space. The Old Hall on Coppice Lane is Listed Grade II* and the grounds form part of its setting. The Old Hall parkland site directly borders Coppice Lane which has public access for recreational walks and dog walking, linked to local footpaths, and also bordering the King George's Field.

Policy Q3- Community Services and Facilities

7. I note that the supporting text refers to S& J Newsagents and the Scout Headquarters as community facilities but the policy does not seek to protect them. Is there a reason for their omission?

No objection to their inclusion.

Policy Q3 aims to protect key services and facilities in accordance with NPPF paragraph 83d. We do not believe that the intention is to retain all shops but rather to ensure that the community has access to the broader range of goods and services provided by Queniborough Post Office and General Store. Similarly, Queniborough Village Hall is the village's principal community meeting place. However, we would support the inclusion of both the Queniborough Scout Hall and S & J Newsagents.

8. How would the policy operate in the case of the two public houses? If planning permission were to be granted, say for the conversion of one of them to residential, and then subsequently the remaining public house closed, would there be any control to prevent both being lost? Are either of the public houses designated as Assets of Community Value?

No objection to the inclusion of both sites on their own merit, to avoid complicating the policy. Neither of the sites are designated as Assets of Community Value.

The Britannia Inn and The Horse and Groom are traditional public houses located near each other in the older part of the village. The closure of small rural pubs is a well-known story. If one were to be converted, the remaining pub would be protected by criterion A-C of Policy Q3. Of course, the policy can only operate within the confines of the planning system and there is no guarantee that closure can be prevented. Neither pub is a registered Asset of Community Value. The Parish Council agrees to register The Britannia Inn and The Horse and Groom as an Asset of Community Value.

Policy Q4- Sports and Recreation

9. This policy identifies 3 areas of open space which are also designated as local green space by Policy Q2. Policy Q4 allows, under certain circumstances, that development of that land could take place e.g. if the facilities were replaced elsewhere in accordance with Criteria B. This appears to offer a lower threshold of protection. I am concerned that a decisionmaker considering a planning application could be facing contradictory policies and I would be interested in the Parish Council's views as to whether Policy Q2 offers greater protection to these sports and recreation facilities than Policy Q4 and does Policy Q4 has a meaningful role beyond that set out in the final paragraph?

Ideally the sites should be protected under one policy in order to provide a clear development management framework. Local Green Spaces should be managed in accordance with Green Belt policy and paragraph 145b of the NPPF sets out a specific exception to inappropriate development in relation to sport facilities. In this case policy Q4 may be a more appropriate policy for these 3 sites.

Different types of designations are intended to achieve different purposes. Policy Q4: Sport and Recreation provides for the protection of playing fields unless, for example they are to be replaced. Policy Q2: Local Green Spaces protects these green areas as they important to the local community.

Policy Q5- Infrastructure

10. Can Charnwood Borough Council advise whether it operates a Community Infrastructure Levy Scheme?

Charnwood Borough Council does not operate a Community Infrastructure Levy.

We understand that CBC does not operate a CIL.

11. Can the Parish Council offer some guidance as to what type or form of new development would be expected to make a financial contribution to the items in the list A-E?

For Parish Council to action.

Policy Q5 will apply mainly to major housing development.

Policy Q6 – Countryside and Landscape

12. Can I be provided with a copy of the Local Landscape and Settlement Character Assessment and I would invite comments as to whether it should it be appended to the neighbourhood plan itself?

The Charnwood Landscape Character Assessment is available online: <u>https://www.charnwood.gov.uk/files/documents/the_charnwood_landscape_character_asses</u> <u>sment/LCA%20%20%28Final%29%20July%202012.pdf</u>

The neighbourhood area is included within the 'Wreake Valley' and 'High Leicestershire' character areas (plan on page 3). Specific guidelines for each of these areas are set out on pages 45 and 65 and the council has no objection to the conclusion of these recommendations (for conciseness) appended to the plan.

The Charnwood Landscape Character Assessment is one of the many evidence documents supporting the QNP that can be found on the QPC website. Those parts of the Assessment relevant to Queniborough have been used to support QNP paragraphs 6.4-6.13 making it unnecessary to append the full Character Assessment to the QNP.

13. I note that the Area of Local Separation (AOLS) is more extensive that the AOLS currently shown on the emerging local plan proposals map and it affects sites proposed to be allocated in the emerging local plan. The Parish Council has objected to these proposed allocations and it would help me to understand the Parish Council's position if I could be provided with the grounds of the basis of the objection. I would specifically ask the Parish Council to comment on whether the reduced AOLS proposed in the emerging local plan would still achieve the objective of maintaining the separation of Queniborough and Syston and East Goscote respectively.

The AOLS shown on page 32 of the neighbourhood plan appears to be consistent with the emerging Local Plan (within the designated neighbourhood area). It is intended that the publication Local Plan will align AOLS boundaries around the boundaries of proposed housing allocations. In relation to the Neighbourhood Plan, the insertion of supporting text to clarify that subsequent Local Plan housing allocations will not be considered under AOLS policy would clarify the above matter.

CBC is currently preparing an emerging Local Plan (Preferred Options Local Plan October 2019) but has made it clear, that in its view, this is not relevant to the examination of the QNP. Nonetheless, QPC believes that QNP Area of Local Separation (AOLS) is the same as the AOLS currently shown on the emerging local plan proposals map (the emerging Local Plan housing allocations overlap the AOLS).

The QNP must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft neighbourhood plan is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. In this case, the boundaries of the 'Areas of Local Separation' (AoLS) were reviewed by CBC in 2016 and this has formed the basis of their definition in the QNP.

The AoLS protects the essential gaps between East Goscote, Queniborough and Syston, restricting development which would lead to the merging of these settlements. Although these gaps are very small in scale the settlements are visually and functionally separate, with unique characteristics. It

follows that a reduced AoLS would have the effect of damaging the separate identity of Queniborough.

14. In terms of meeting housing need, has the Borough Council given a figure to the Parish Council of the number of homes the plan area needs to be making provision for over the period up to 2028, as required by paragraphs 65 and 66 of the NPPF? In the absence of a figure, has the Parish Council come to a view as to what the parish's housing needs are?

A housing need figure has not been provided by the local planning authority.

QPC's position regarding housing need is set out in our Basic Condition Statement (paragraphs 2.7 to 2.14).

15. I would specifically ask both the Parish Council and the Borough Council to comment on whether the proposed Area of Local Separation, which includes the proposed allocation sites, will meet the basic conditions test that the plan should contribute to the delivery of sustainable development and specifically in terms of allowing the housing needs of present and future generations to be met. That is different to the basic condition issue of conformity with the strategic policies in the current, not emerging, local plan.

The emerging Local Plan identifies proposed housing allocations across Charnwood Borough, all of which are part of the Council's strategy for sustainable development. The Council is of the view that the neighbourhood plan should not undermine this strategy and doing so would not contribute to the achievement of sustainable development. The response to para 13 proposes a resolution to this matter.

Contrary to NPPF paragraph 65, the Draft Charnwood Local Plan 2019-36 does not set out a housing requirement for Queniborough Neighbourhood Area. In any event, CBC has made it clear, that in its view, this is not relevant to the examination of the QNP.

Policy CS1 of the Core Strategy makes provision for at least 13,940 homes in the Borough over the period 2011 to 2028. Most of this growth is to be provided for in the form of urban extensions on the edge of Leicester City and Loughborough and, to a lesser extent, development at seven Service Centres.

The Core Strategy requires that at least 500 homes are to be provided in 12 'other settlements'-Barkby, Burton on the Wolds, Cossington, East Goscote, Hathern, Newtown Linford, Queniborough, Rearsby, Thrussington, Thurcaston, Woodhouse Eaves and Wymeswold.

Over the period 2011-2018, 580 homes had been built in these 12 'other settlements' and a further 238 homes had planning permission at 31st March 2018. This means that for these places, the minimum Core Strategy housing provision has been met.

Over the period 2011-2018, 167 new homes have been built in Queniborough Parish and at 31st March 2018 there were a further 141 with planning permission. So, Queniborough has provided over a third of the housing supply distributed among 12 settlements.

Notwithstanding, QPC believes that the development of the Queniborough Lodge site for around 132 additional dwellings could help meet local housing needs especially by increasing the availability of lifetime homes and bungalows. This will enable more people having homes that can meet their needs as they get older and experience changes to their health and social circumstances, so delaying

the need for them to move to alternative accommodation. In expressing support for the site's development, our Neighbourhood Plan is planning positively for new homes and providing greater certainty for developers while safeguarding the countryside from development. We believe that this is consistent with the delivery of sustainable development, especially in terms of allowing the housing needs of present and future generations to be met. In addition, Queniborough Lodge site is a 'Brownfield Site' and would not affect the green land of separation around the village.

16. Is the Parish Council proposing to review the neighbourhood plan during the lifetime of the plan? Does the Borough Council consider that an Area of Local Separation in a made neighbourhood plan would prevent it maintaining the allocations and does it think that an adopted local plan which included the allocations, would override the made neighbourhood plan? Can the Borough Council advise me as to the current timetable for the new local plan through to adoption?

The AOLS will be a strategic policy (for the purpose of neighbourhood planning) within the local plan. In addition it is likely that the Local Plan will be adopted after the neighbourhood plan as such where conflict between policies arise, the more recent policy takes precedence (PPG Para 084 - 41-084-201905009). The Council is currently working towards consulting on the Publication Local Plan (pre submission) in February/March 2020 with subsequent timescales dependent on the examination.

QNP paragraph 1.15 sets out the position regarding the review of the Neighbourhood Plan.

Planning Practice Guidance (paragraph: 009 Reference ID: 41-009-20190509) makes it clear that although the QNP is not tested against the policies in the emerging Draft Charnwood Local Plan 2019-36, the 2016 Green Wedge and Areas of Local Separation Review is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. CBC is also of the view that the emerging Local Plan (Preferred Options Local Plan October 2019) is not relevant to the examination of the QNP. It follows that the full extent of the boundaries of the Areas of Separation in the QNP should be retained.

The examiner's conclusions on this matter will have significant implications for the current HLM planning application and QPC's ongoing objections to the proposed Melton Road allocation in the emerging Local Plan.

Indeed, given that CBC will no longer be able to demonstrate a five year supply, a reduction in QNP Areas of Separation could significantly alter the planning balance relating to the current HLM application

Earlier in the reply to this Policy, reference is made to the fact that 'Queniborough has provided over a third of the housing supply distributed among 12 settlements' and 'reduced AoLS would have the effect of damaging the separate identity of Queniborough.'

Policy Q7 – Green Infrastructure

17. Can the Parish Council elaborate upon how it considers a decision maker would use the policy as drafted to determine a planning application? What does the policy add to local green spaces which is not already covered by Policy Q2?

For Parish Council to action.

CBC have prepared a Green Infrastructure Strategy for the 6C's area (The Counties of Leicestershire, Derbyshire and Nottinghamshire and the Cities of Leicester, Derby and Nottingham). Strategically

important areas in the green infrastructure network pass through the Queniborough Neighbourhood Area- River Wreake Corridor and Queniborough Brook corridor. Both are protected by QNP Policy Q7. It is unlikely that planning proposals that did not protect or enhance these green infrastructure assets would be supported.

Policy Q2 already offers considerable protection to Local Green Spaces.

Policy Q8- Ecology and Biodiversity

18. Is it possible to be more precise as to the extent of the green infrastructure and wildlife area as it goes through the grounds of Old Hall and any other residential curtilage? The use of the light green and green diagonals is difficult to differentiate on the map in page 32 and appears to pass through houses in Rupert Crescent and The Ringway and Queniborough Hall. Can the clarity of the plan be improved as it is difficult to clearly identify, for example, the wildlife corridors?

For Parish Council to action.

The style and notation for those features identified on the Map on page 32 can be revised. The source material for these designations is set out on the QNP page of the QPC website: https://www.queniboroughpc.org.uk/neighbourhood-plan.html

The previously identified strategic green infrastructure network and a wildlife corridor already pass along the grounds of Queniborough Old Hall.

19. Can the 8 features referred to in the policy be named on the plan?

The Council's Regulation 16 representation suggests referencing amendments in relation to features 1, 2, 3 and 4. These amendments may provide additional presentational clarity.

Policy Q 13- Housing Mix

20. Is the reference to smaller low cost homes referring to the element of schemes that are defined as affordable housing – the definition of which includes discounted market sales housing and other avenues to home ownership as defined in the glossary to the NPPF. Is there a threshold for sizes of schemes where an applicant needs to demonstrate how their scheme meets this policy.

Amendment of references to read 'affordable housing' would be useful, as in practice it appears this policy would add local context to affordable housing contribution priorities.

Core Strategy Policy CS3 sets targets for affordable homes within housing developments. QNP paragraph 7.31 sets out the broad types of affordable housing which includes discounted market sales housing.

Policy Q13 aims to achieve a better mix of both market (non-affordable) and affordable housing to make sure housing needs are addressed as evidenced by QNP paragraphs 7.26 and 7.27. All applicants for housing development would need to demonstrate how their scheme meets this policy.

Policy Q14- Non designated Heritage Assets

21. Can the Borough Council explain how it sees the difference between locally listed building and locally valued heritage assets, as my understanding is they would both be non-

designated heritage assets – if a building is included in this policy, would it go onto the local list?

Both would be considered NDHAs. The distinguishing feature between locally valued (designated by a neighbourhood plan) and the local list (designated by the local authority) would be to ensure the threshold for local listing was consistent across the borough. The policy approach for both remains to assess harm to significance in line with the NPPF. The building would not necessarily be added to the local list, especially if located in a Conservation Area, but nonetheless would be considered an NDHA.

This matter is addressed by Historic England Advice Note 11 '<u>Neighbourhood Planning and the</u> <u>Historic Environment</u>'. The advice note draws a distinction between locally listed buildings and locally valued heritage assets. Both are non-designated heritage assets.

22. Can the Parish Council identify by addresses the "Older houses on The Banks"?

For Parish Council to action.

The Old Houses on The Banks are numbers 6 & 10 & 14, together with the cottages on Long Row, Queniborough Road 2-10.

23. Does the Borough Council's Conservation Officer have a view as to whether a hedgerow (or indeed an ancient tree), can be a judged to be a non – designated heritage asset?

A hedgerow or tree would not be considered to be a NDHA as other legal routes for their protection exist. Heritage assets are defined by the NPPF as 'a building, monument, site, place, area or landscape' identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest. The Council's Conservation Officer does not consider that this can apply to an individual hedgerow or tree. An individual tree or group of trees can be protected by a Tree Preservation Order or as a Tree in a Conservation Area. A hedgerow that is considered to be of historic significance or for its contribution to the overall appearance of the landscape and its value as a home to plants and wildlife, some measure of protection is afforded by the Environment Act 1995 and, more specifically, the Hedgerows Regulations 1997.

Policy Q15 - Design

24. I would be interested if the Parish Council had a view as to whether the new Davidson housing development off Barkby Road would meet the expectations of Policy Q15?

For Parish Council to action.

The Parish Council does consider that the Barkby Road development would not meet the following:

B. Protect important features such as walls, hedgerows, and trees. A number of trees and some hedgerow was lost in the development

C. Have safe and suitable access. The single access onto the very busy Barkby Road is inadequate, especially now that a telecommunications box has been placed on the verge, restricting the view to the village

J. Ensure parking is well integrated so it doesn't dominate the street. There is insufficient parking for some of the larger houses.

L. Provide adequate external storage space for bins and recycling as well as vehicles and cycles.. The Council questions if sufficient provision has been made.

Policy Q16 – Water Management

25. Can the Parish Council persuade me whether Policy Q16 adds anything to the policy set out in Policy CS 16 of the adopted local plan and the NPPF?

For Parish Council to action.

Policy Q16 unnecessarily duplicates the policies of the Core Strategy and NPPF and should be deleted

Policy Q19 – Queniborough Industrial Estate

26. Does the Borough Council have a view on the implications of the recent changes to the Use Classes Order where what were Class B1 uses now fall into Class E

We are led by national press coverage on this matter, the most obvious potential implications being a significant undermining of the town centre first approach and of protecting employment sites. We are attending a webinar on Class E implications this month, with a view of this informing Local Plan policy preparation.

Concluding Remarks

27. I am sending this note direct to Queniborough Parish Council, as well as Charnwood Borough Council. I would request that both parties' responses to my questions should be sent to me by 5 pm on **19th November 2020.** If either party needs extra time to respond please let me know, but I wish to maintain the momentum on this examination.

28. I would also request that copies of this note and the respective responses are placed on the Neighbourhood Plan's and also the LPA's websites

Website updated, subsequent responses will be placed here too: https://www.charnwood.gov.uk/pages/queniborough_neighbourhood_plan

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