

Claverham Neighbourhood Plan

Examiner's Clarification Note

N.B. RESPONSES TO QUERIES ARE GIVEN IN RED FOLLOWING EACH QUERY

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.

Policy-based clarification

I have read the submitted documents and the representations made to the Plan. I have also visited the Plan area. I am now in a position to raise initial issues for clarification with the Parish Council. The comments that you make on these points will be used to assist in the preparation of my report and in recommending any modifications that may be necessary to the Plan to ensure that it meets the basic conditions. I set out specific policy clarification points below in the order in which they appear in the submitted Plan.

Policy D1 – I understand the general thrust of the policy. However, what is the intended purpose of the final two paragraphs of the policy? Are they necessary within the context of the second element of the policy?

There has recently been a speculative planning application that was certainly Smallscale Major Development. Admittedly it is unlikely Claverham will have proposals for Largescale Major Development. The residents are concerned that CS33 may not be observed or may be judged out of date in the case of 5year under-supply and wished to add whatever weight we may to ensuring development of appropriate scale. If CS33 can be held to be “active” and not under threat of being judged out of date the last two clauses would be redundant.

Policy D2- This is headed as a design policy. However, it addresses a wide series of areas which are not necessarily of a design nature. Is this a policy that sets out criteria for residential extensions of which the first two criteria are design based? Would the intention of the policy be fundamentally changed if I recommended a modification to achieve a general residential extension-type of policy?

This policy is expected to cover all development within the Plan area not just extensions so the policy would be changed if it were only to be applied to extensions.

Policy D3 – I recognise that this policy sits at the heart of the Plan.

Is the policy based around an opportunity to rationalise a non-conforming use or is it the outcome of a wider site search to identify an appropriate housing site in the Plan area?

Essentially the former. An existing employment site is due to close, the scale and nature of which is uncharacteristic of a village the size of Claverham. It is valid that the Neighbourhood plan address the appropriate re-use of the site.

What is the evidence to support the assertion that the site is non-viable for employment purposes? Assuming that there is evidence to this effect why would a potential developer then need to demonstrate non-viability for employment use (part 5 of the policy)?

Our policy is not written with knowledge of site owner's commercial activities in offering the site for sale. We are aware that the site has been put on the open market and that there will be evidence from that process as to whether there is any interest in the employment zone it continuing as employment use. We presumed that with the extant designation as employment use

there would be a need to demonstrate a lack of viability in order to be in accordance with North Somerset Councils extant policy E/5 in the Replacement Local Plan and draft policy SA6 of the Site Allocations Plan (which we understand now may be subject to change through the Site Allocation Plan examination process). The evidence from our consultation with residents pointed to a preference for some employment use on the site, but not the whole. North Somerset Council officers indicated throughout the development of the plan that there is unlikely to be interest in redevelopment for other employment uses, but they require this to be demonstrated to meet their policies. This will only become known once the outcome of the owners marketing exercise becomes available.

Essentially demonstration of non-viability is a moot point as Claverham is content for the employment zone of the site to be redeveloped and we do not believe there is any possibility of a large factory proposal coming forward that could compete with residential development values.

Is it envisaged that access would be achieved into the redevelopment of the site by way of the existing access?

Yes, it is a key matter that access is preserved for the Village Hall and that no further access is created over the land to Bishops Road that would destroy open land and arrive at dangerous bend locations.

Is it envisaged that the residential development of the site would be physically incorporated into the village? Alternatively, is it intended that it should be self-contained?

The development would be part of the village, but with some inevitable visual separation as a result of the wishes to retain the boundary zone. The site is however taking opportunity of being within a green boundary zone that no one in the village wishes to be diminished, thus the development would be “within a natural screen” but then several properties in our village are not overlooked from the road or adjacent properties. It is not intended as a gated, or self contained community.

Policy R1 – How would you define schemes that offered ‘direct benefits to local residents’?

Would applications be refused that did not offer ‘direct benefits to local residents’?

Words can be removed i.e. ‘offer direct benefits to local residents and’ . N.B. these words were originally related to developer contributions.

Policies T1/T2 (parts 3-6)/T3 (part 1)/PT1 are non-land use policies. Nevertheless, I can see their importance in the neighbourhood area. My suggestion is that they are retained but relocated to a non-land use/proposals part of the Plan in accordance with national planning policy. Do you have any comments on this suggestion?

We agree with your suggestion

Policy LS1 – Are your two types of shops too restrictive? In any event how would they be regulated and monitored? What harm would be caused by the opening of general shops in the settlement boundary? Should the types of shops anticipated be highlighted in the supporting text as an example of the type of facilities that are sought?

The category of shops sought to be supported/controlled by LS1 are those at farms and those within the settlement boundary.

The second paragraph of the policy refers to the desired nature of the farm shops.

However, the residents are also supportive of other forms of shop within the village itself; we do not seek to control what enterprise may choose to open a shop. As such, general shops within the settlement boundary are supported.

Policy CF1-CF3 – I can see that the facilities concerned are worthy of safeguarding. Nevertheless, the three policies offer no advice on how they are to be retained. Is it your intention that the policies concerned prevent their use for alternative/non-community purposes?

We would like to see each of these facilities protected such that they cannot be subject to change of use from a community use (excepting, if required, by provision of equal facility being provided with equal access). In the case of CF1 and CF2 we would like the existing use (village hall and Broadcroft play area) to be retained.

N.B. We cannot include the Quaker Meeting House in this constraint, as we have no desire to dictate to the Quakers what they can do with their assets, they just wished for recognition as a community facility.

We should also point out that:

The Village Hall is a self-financing charity (Claverham Village Hall is registered as a CIO under the charity number 1155267) and has the remainder of a 999 year lease (1998 kindly granted a lease over the land "for the term of 999 years paying therefore during the said term the yearly rent of a peppercorn" THE LAND TO WHICH THE LEASE REFERS IS THAT LAND UPON WHICH THE HALL STRUCTURE STANDS NOT THE CAR PARK OR ANY ACCESS; and,

The Playing field is proposed to be designated as Local Green Space in the draft Site Allocations Plan as it met the NSC criteria for this and is owned by them and we would encourage them to retain and maintain this in play area use in perpetuity.

Policy Y1 – This is a supporting policy and therefore the policy bar is lower than other policies which require something to happen or which restrict uses. Nevertheless, how is it intended that the land use planning process addresses inclusivity (essentially a management issue) and planned with the full engagement of local residents (partly a planning process issue but mainly a community engagement issue)?

How about requiring applications to include?:-

Inclusivity: planning application to be supported by an inclusivity policy

Engagement of Local Residents: planning application to be supported by statements by occupants of neighbouring properties, showing the consultation process and support plus evidence of consultation of the wider Claverham population.

Policy ENV2 – Does a neighbourhood plan have the ability to identify locally listed buildings? Does NSDC have a local list or is one in preparation?

Listed Buildings are already protected, however they are mentioned due to importance. Our evidence base shows that our community considered the buildings in ENV2 to be locally important even though they are not listed. We mention also what historic environment we consider to be an important part of our heritage and hence have listed a number of specific features; they are not part of any NSDC list, but we would applaud NSDC if they were to create such a list for and with each community.

Does the third part of the policy effectively restate Local Plan/Green Belt policies? Or do the fields concerned also have historic importance?

The fields are important in retaining the separate characters of Claverham and Cleeve. The fields are Green Belt so currently have protection but it is the protection from continuous ribbon development and merging of characters that is a high priority to our residents in retaining the historical separation.

Policy ENV4 – What is the size of the proposed LGS 2 (Streamcross)?

Approx. 2.54 Hectare.

Given the comments at the top of page 45 has an assessment been made of the need for the designation of LGSs in the neighbourhood plan where existing protection is in place (see Planning Practice Guidance 37-011-20140306)?

Yes in preparing our plan we've taken this into account.

LGS1 is not protected, except by CS33 in that it is technically countryside outside of the settlement boundary even though it is part of land owned by the UTAS factory. North Somerset Council have reflected this communities wishes for LGS by also allocating it in the draft Site Allocations Plan (subject to similar representation at current examination)

Planning policy did not functionally protect LGS2 land. Its designation 'Safeguarded Site for Proposed Strategic and Structural Open Space' is only a 'proposed' status within the site allocation plan that is also at examination presently. It is understood that this is unlikely to be retained post examination. In this case there would be no duplication. However the whole of the LGS2 space is now designated a TVG, this designation was confirmed (at NSDC P&R 12/07/17) post submission of the current draft of the Claverham Neighbourhood Plan. The purposes, intent and operation of TVG and Local Green Space are different, so we believe it should still be designated as local green space.

Protocol for responses

I would be grateful for comments from the Parish Council by 8 September 2017. 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 all come to me directly from the District Council. In addition, please can all responses make direct reference to the policy or the section concerned.

Andrew Ashcroft,

Independent Examiner

Claverham Neighbourhood Plan

29 August 2017

