

Clutton NEIGHBOURHOOD PLAN DECISION STATEMENT (PROCEEDING TO REFERENDUM)

1. INTRODUCTION

- 1.1 Pursuant to the Adopted Bath & North East Somerset Council's My Neighbourhood: Neighbourhood Planning Protocol (p42), the Divisional Director (Development) is authorised on behalf of the Local Planning Authority to make decisions on Neighbourhood Plan proposals following the examination of a Neighbourhood Plan proposal in accordance with the Town and Country Planning Act 1990 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended) and other relevant legislation.

2. BACKGROUND

- 2.1 The Clutton Plan area comprises the whole parish of Clutton in the Bath & North East Somerset Council authority area (B&NES). On 27th August 2013, B&NES Council approved that the Clutton Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 2.2 Clutton Parish Council submitted the draft Clutton Neighbourhood Plan, and supporting documents, to B&NES Council on 6th March 2015.
- 2.3 Following submission of the Clutton Neighbourhood Plan to the local authority, B&NES Council publicised the Plan and supporting documents and invited representations during the consultation period 6th March 2015 to the 17th April 2015.
- 2.4 In April 2015, B&NES Council appointed an independent examiner, Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD, to review the Plan and consider whether it should proceed to referendum.
- 2.5 The examiner's report was received on 9th June 2015 and concluded that subject to making the modifications recommended in the report, that the draft Plan meets the Basic Conditions and should proceed to referendum. The examiner also recommended that the area for the referendum should not extend beyond the Neighbourhood Area to which the plan relates.
- 2.6 In accordance with legislation, the local authority must consider each of the recommendations made in the examiner's report, decide what action to take in response to each recommendation and what modifications should be made to the draft Plan in order to be satisfied that it meets the Basic Conditions and is compatible with Convention Rights. If the authorities are satisfied then a

referendum must be held. Consideration also needs to be given as to whether to extend the area to which the referendum is to take place.

3. DECISION AND REASONS

- 3.1 Having considered the examiner's recommendations and reasons for them, B&NES Council concur with the examiner's view and have decided to make modifications to the draft Clutton Neighbourhood Plan to ensure that it meets legal requirements including the Basic Conditions as set out in legislation. Appendix 1 sets out the modifications to be made in response to the examiner's recommendations, together with the reasons for them.
- 3.2 B&NES Council are satisfied that the Neighbourhood Plan as modified complies with the legal requirements and can proceed to referendum.
- 3.3 B&NES Council also agree with the examiner that there is no reason to extend the Neighbourhood Plan Area for the purpose of holding the referendum.
- 3.4 I declare that we have no private interest in respect of this matter that would prevent us from making this decision.

Signed:

A handwritten signature in black ink, appearing to read 'Lisa Bartlett', with a small dot at the end.

Lisa Bartlett

Divisional Director – Development
Bath & North East Somerset Council

Dated: 23rd June 2015

APPENDIX 1: Modifications to the draft Clutton Neighbourhood Plan in response to the Examiner's recommendations

Throughout the table modifications are shown as follows:

- Text in *italics and underlined* identifies new text
- Text that is shown as ~~strikethrough~~ identifies deleted text

The paragraph, policy and page numbering relates to the draft Clutton Neighbourhood Plan, as submitted to the local authorities in January 2015.

The final plan, to be published for the purposes of the referendum, will renumber the policies and paragraphs following the making of the changes as set out in the table below.

Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
16	<u><i>The Parish will benefit from well-designed new housing that reflects the local need.</i></u>	4	An important strategic policy requirement in both the National Planning Policy Framework and the Development Plan relates to the provision of housing to meet local need now and in the future. The Clutton Neighbourhood Development Plan Vision is silent on this issue. I consider that the vision would better reflect these documents if there was mention of the need to provide for local housing need as part of a vision for a thriving community.
19	<p><u><i>Policy CNP2: THE DESIGN OF NEW DWELLINGS</i></u></p> <p><u><i>The Village Design Appraisal identifies the design features, which create the distinctive character of the village (See Appendix 5). The design of new dwellings should be locally distinctive and reflect or compliment the following design characteristics of the village;</i></u></p>	8	<p>This policy could be considered too prescriptive having regard to the National Planning Policy Framework:</p> <p>57. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more</p>

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	<ul style="list-style-type: none"> • <u>The use of rubble stone for house walls with brick or cut stone detailing.</u> • <u>Narrow vertical windows.</u> • <u>Front gardens bounded by walls, fences or native species hedges (see appendix 17).</u> • <u>Steeply pitched roofs, depending on context of red clay tiles or slate. Brick or stone chimneys.</u> • <u>Terraces of houses or houses which are of a different design to their neighbours.</u> • <u>Gable ends to roofs.</u> • <u>Houses a maximum of two storeys.</u> 		<p>generally.</p> <p>58. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.</p> <p>59. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations.</p> <p>Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.</p> <p>In addition the policy title does not make it clear whether this design policy relates solely to new housing developments or all new development.</p>
21	<p><u>Policy CNP3: HOUSING DEVELOPMENT BOUNDARY AND TYPES OF NEW DWELLINGS</u></p> <p><u>The Housing Development Boundary will be limited to within the area shown in map 3 unless the development is to provide 100% affordable dwellings on a site outside the Housing</u></p>	9	<p>This policy is potentially confusing and rewording should be considered. The first paragraph refers to Rural Exception sites and there is further mention of affordable housing made in paragraph Also it is unclear whether the 35% relates to the Rural Exception sites or all new housing developments. It might be helpful to explain that Rural Exception sites should be" affordable led"</p>

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	<p><u>Development Boundary (a rural exception site or redevelopment of brownfield land). Housing Development within the Green Belt will only be supported as a Rural exception Site providing affordable homes for local people in housing need.</u></p> <p><u>At least 35% of the affordable dwellings must be designed for the elderly and those of impaired mobility or single bedroom dwellings in order to meet the need identified in the 2013 Clutton Housing Needs survey or a more recent independently conducted Housing Needs Survey.</u></p> <p><u>The development of infill sites within the HDB will be supported, subject to compliance with other policies in this Plan.</u></p> <p><u>Should a review of B&NES's 2014 Adopted Core Strategy, or it's successor, establish a need for further housing, then development would be supported on the western side of the A37 in order to promote the use of public transport and more sustainable methods of transport. This is subject to the removal of the protected by-pass route after review from the start of the Plan.</u></p>		schemes.
21	<p><u>Policy CNP4</u> <u>FUTURE INFRASTRUCTURE PROVISION</u></p> <p><u>All planning applications for new dwellings or commercial premises should include, where possible provision for connection to any existing Fibre optic service or ducting for the installation of the connection at a future time when the</u></p>	13	<p>Suggested minor modification:</p> <p>“All planning applications for new dwellings or commercial premises should include, where possible provision for connection to any existing Fibre Optic service or ducting for the installation of the connection at a future time when the service becomes available.”</p>

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	<i>service becomes available.</i>		
21	<p><u>Policy CNP5 SUSTAINABILITY BY DESIGN</u></p> <p><u>All new dwellings and commercial developments should where appropriate be laid out to maximise solar energy gain.</u></p>	14	Adjusting layouts to maximise solar energy gain can have a major impact on the appearance and visual impact of new developments.
22	<p>Policy CNP6 SAFE ROADS</p> <p>“Manual for Streets 2 (2005)”, <u>or any updated version</u>, shall be used as the design guide for new development in Clutton, particularly in respect of traffic calming measures and the reduction of vehicle speeds at junctions.</p>	15	The Clutton Neighbourhood Development Plan period is to 2035 the Manual for Streets 2 is already 10 years old I suggest that this policy is modified to include “The Manual for Streets 2 (2005) or any updated version”.
25	<p>Policy CNP14 LOCAL GREEN SPACE</p> <p>The following areas, as shown on Map 7, are designated as Local Green Space:</p> <p>Long Lands The Avenue Gastons</p> <p>Development on these designated areas will not be <u>supported</u> unless it preserves and enhances the existing use <u>and is of value to the community for recreation, tranquillity, historic significance, beauty and richness of wildlife.</u></p>	27	The wording of the policy is imprecise without a clear explanation of “community values”. The minor modification of the policy would be helpful replacing the word “permitted” with “supported” and by reconsidering how to express the term “community values”.
	a) Development proposals should not result in the loss of, or serious deterioration in, amenity views that are important to the character and quality of the local environment or to Clutton’s historic heritage. Important views have been	28	

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	<p>defined in the Clutton Design statement. Important views include the church of St Augustine, The Avenue, Cooks Hill, Maynard Terrace and Church Farm</p> <p>b) Any new development must have regard to protecting and enhancing local wildlife and biodiversity. <u>All new development proposals must result in a biodiversity net gain.</u></p> <p>c) Planting of hedges on new developments should be of native British species of trees and shrubs (see appendix 17) as set out in the Clutton Design Statement (Appendix 5).</p>		
26	<p>New development which threatens the distinctive character of Clutton as set out in the village design appraisal will not be supported. Any development must conserve and enhance Clutton's historic heritage.</p>	29	<p>There is no definition of "inappropriate development."</p>
27	<p>Development proposals that will enhance the viability and community value of <u>Clutton's</u> registered Assets of Community Value will be supported.</p> <p>Development proposals that would result in either the loss of the asset or in significant harm to the community value and use of an asset will not be permitted unless it can be clearly demonstrated that the operation of the asset, or the ongoing delivery of the community value of the asset, is no longer economically viable typically because the site has been marketed at a reasonable price for at least a year for that</p>	31	<p>For clarity I suggest that the Assets of Community Value are included in the policy.</p> <p>The Clutton Assets of Community Value will be registered with B&NES and a map will be included on the Clutton Neighbourhood Plan website next to the Plan. This will allow the assets to be updated regularly.</p>

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	and any other suitable employment or service trade uses and no interest in acquisition has been expressed.		
29	<u>Cooks Hill and Station Road have been identified as areas where traffic calming is required to improve residential amenity and highway safety. Developments which would increase traffic movements in this area should be supported by a Transport Statement which measures the traffic impact of the proposal and includes measure to mitigate against this impact.</u>	37	Whilst I consider this policy appropriate I suggest the following minor modification for clarity