

WESTFIELD 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 (Planning) 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.

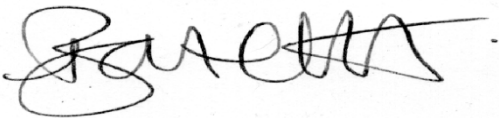
2. BACKGROUND

- 2.1 The plan area comprises the whole parish of Westfield in the Bath & North East Somerset Council authority area (B&NES). On 23rd April 2015, B&NES Council approved that the Westfield Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 2.2 Westfield Parish Council submitted the draft Westfield Neighbourhood Plan, and supporting documents, to B&NES Council on 15th March 2018.
- 2.3 Following submission of the Westfield Neighbourhood Plan to the local authority, B&NES Council publicised the Plan and supporting documents and invited representations during the consultation period 3rd April 2018 to the 15th May 2018.
- 2.4 In May 2018, B&NES Council appointed an independent examiner, Christopher Edward Collinson (BA (Hons) MBA MRTPI MIED MCMI IHBC) to review the Plan and consider whether it should proceed to referendum.
- 2.5 The examiner's report was received on 18th June 2018 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 Westfield 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 horizontal line extending to the right.

Lisa Bartlett
Divisional Director – Planning
Bath & North East Somerset Council

Dated: 11th July 2018

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

Throughout the table modifications are shown as follows:

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

The paragraph, policy and page numbering relates to the draft Westfield Neighbourhood Plan, as submitted to the local authorities in March 2018.

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 draft NDP	Reason for change
RM 1 (Page 29)	<p>Policy 1 Residential infill and backland development</p> <p>Planning permission for Rresidential development proposals on infill and backland sites will be <u>permitted-supported</u> within the housing development boundary, <u>identified on the Map below</u>, subject to the following criteria:</p> <p>1 Proposals should reflect the character of the surrounding area and protect the amenity of neighbours. It should reinforce the uniformity of the street by reflecting the scale, mass, height and form of its neighbours.</p> <p>2 Proposals that would lead to over-development of a site or the appearance of cramming will be resisted. It should be demonstrated that development is of a similar density to properties in the immediate surrounding area.</p> <p>3 New buildings should not adversely affect neighbouring properties by seriously reducing the amount of daylight available through their windows or by obstructing the path of direct sunlight to a once sunny garden or windows<u>significant overshadowing.</u></p>	22	So that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework

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	<p>4 Development must not unacceptably reduce the level of private amenity space provision for existing residential properties<u>Proposals must maintain private amenity space suited to the size of the property.</u> This policy also applies to applications for two or more properties on a site previously occupied by a single property.</p> <p>5 There is potential within Westfield to build 1 or 2 bedroom homes replacing existing under-used and derelict garage blocks. The neighbourhood Plan is in favour of such developments provided that it is in keeping with the street scene and parking is provided in accordance with Parking Policy 20 in the Highways section of this Plan<u>additional on-road parking will not result.</u></p> <p>Insert map showing the Housing Development Boundary</p>		
RM2 (Page 31)	<p>Policy 2 Housing Accessibility Standard</p> <p>Proposals for homes suitable for wheelchair users and elderly people will be supported</p> <p>For market housing, new dwellings should be built to the ‘accessible and adaptable’ standard in Part M4(2) of the Building Regulations, unless specific site conditions make this impracticable. Accessibility standards for Affordable Housing (Part M4(2) and M4(3)) will be applied in accordance with the B&NES Planning Obligations Supplementary Planning Document, or successor guidance.</p>	22	So that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework
RM3 (Page 31)	<p>Policy 3 Housing Design</p> <p>Each new development application shall demonstrate the following<u>To be supported a proposal for new homes must demonstrate:</u></p> <p>1. It is designed to a high quality which responds to the heritage and distinctive character outlined and illustrated in the Westfield Context of this Plan and reflects the identity of Westfield as defined in terms of height, scale, spacing, layout, orientation, design and materials of buildings, the</p>	23	So that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework

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	<p>scale, design and materials of the public realm (highways, footways, open space and landscape).</p> <p>2. It is sympathetic to the setting of any heritage assets.</p> <p>3. There should be a variety of garden sizes to reflect the spectrum of garden sizes embodied in the various housing estates over time.</p> <p>4. Where possible, eExisting landscape features should be included in the design and landscaping, <u>unless it is demonstrated this is not practicable</u></p> <p>5. It incorporates energy efficient design and climatic resilience into the design in the following ways:</p> <p>(1) New build development will be required to achieve a 19% reduction in CO2 emissions from a baseline of Part L compliance.</p> <p>(2) Extensions and change of use: Applicants will be expected to install simple, cost-effective energy efficiency measures to be carried out on the existing building if possible and practical.</p> <p>(3) Electric vehicle charging and cycle parking: Developments must:</p> <p>a) Ensure that 1 in 5 new parking spaces provide an electrical charging point or are future proofed to provide a charging point with installations of appropriate wiring.</p> <p>b) For new build developments, provide one cycle storage space for studio and one bedroom flats, two cycle storage spaces for all other residential unit sizes. Storage must be under cover, secure and accessible, as set out in the requirements for the Home Quality Mark standard.</p> <p><u>Proposals for new homes that incorporate energy efficient design; vehicle charging; and under-cover, secure and accessible cycle parking facilities will be supported.</u></p>		
RM4 (Page 33)	<p>Policy 4 Ecology: Protecting the importance of the green corridors of Waterside Valley and land north of Fossey Gardens</p> <p><u>To be supported development proposals must demonstrate they will safeguard the integrity and effectiveness of</u> Development must avoid</p>	26	So that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework

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	<p>harming existing ecological assets i.e. the habitats and dependent local biodiversity, including any features of importance for foraging and for maintaining habitat connectivity (including local and strategic Ecological Networks). Where a proposal has the potential to impact on ecological assets, it should be accompanied by a Landscape and Ecological Mitigation and Management Plan, which should accord with the National Planning Policy Framework. <u>Where a proposal will unavoidably harm existing ecological assets that harm should be mitigated, or as a last resort compensated.</u></p>		
RM5 (Page 35)	<p>Policy 6 Important Views To be supported development proposals must demonstrate they will not significantly harm<u>Development proposals must demonstrate regard</u> to important views <u>where seen from publicly accessible locations</u> including views identified in the maps-illustrated map shown in this section, for their open countryside, historic landmarks and towns, valleys and hillsides, their beauty at sunset and at night the contrast they give of darkness compared with the lights of neighbouring towns.</p>	43	So that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework
RM6 (Page 36)	<p>Policy 7 Preservation of the Historic Environment Development within <u>or affecting the setting of</u> the Conservation Area will only be supported where the proposal preserves or enhances those elements which contribute to its special character -including those heritage assets identified in the Radstock Conservation Area Assessment Strategic Policy adopted in March 1999.</p>	45	So that the policy represents a distinct local approach
RM7 (Page 38)	<p>Policy 8 Preserving the locally important heritage assets Development proposals that will result in the loss of the key locally important heritage assets listed in the Table below will not be supported<u>This policy identifies in Table 1 and Table 2, below, the key locally important heritage assets. There will be a presumption in favour of safeguarding them from any adverse proposal</u></p>	51	So that it is clear Policy 8 does not seek to identify an Asset of Community Value but this matter is instead dealt with as a community aspiration.

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	<p>which would result in their loss.</p> <p>Table 1 and Table 2 should be combined into a single Table headed Locally Important Heritage Assets and the details in respect of the Railway Inn should be restricted to details of heritage value.</p> <p>A Community Aspiration should be inserted in the Neighbourhood Plan identifying the Railway Inn as a building to be proposed as an Asset of Community Value.</p> <p>The policy appears as “Preserving the Assets of Community Value” in the index of policies and community aspirations. This should be corrected to correspond with the policy title in the main body of the Plan.</p>		
RM8 (Page 40)	<p>Policy 9 Development of Employment</p> <p>The proposed<u>Proposals for the</u> expansion of Westfield Industrial Estate will be supported subject to the following criteria:</p> <ol style="list-style-type: none"> 1. The proposal is compliant with Placemaking Plan Policy ED2a and where an alternative use class is proposed the proposal<u>the use class proposed</u> is not considered to have an adverse impact to the industrial operations within the estate. 2. The proposal demonstrates that it would not harm the ecological setting of the site. 3. The proposal provides a comprehensive Transport Assessment/Travel Plan proportionate to the scale of development proposed in accordance with the requirements of the local planning authority. 4. The proposal demonstrates that there is a clear need for expansion, with provision for a contribution to the car parking requirements of the Industrial Estate as a whole<u>The proposal demonstrates it will not result in on-street parking.</u> 	58	So that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

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RM9 (Page 42)	<p>Policy 10 New business development on land already in business use and providing employment</p> <p>New business development on land already in business use and providing employment, will be supported subject to the following criteria:</p> <ul style="list-style-type: none"> • The scale and nature of the proposals would not harm the amenities or employment potential of adjoining activities • The scale and nature of the proposals would have no significant conflicts with agriculture and other land-use activities. • The proposal would not add significantly to <u>result in severe</u> peak period road congestion ie. 6.30 am-9am and 4pm-6pm. 	59	So that the policy has regard for national policy
RM10 (Page 43)	<p>Policy 11 The provision of any new or additional retail floor-space</p> <p><u>Subject to national policy and Strategic Policies CR1 and CR2 relating to a sequential test and impact assessment</u> the provision of any new or additional retail floor-space, in the areas shown in the map below, will be supported</p> <ul style="list-style-type: none"> • if it enhances Westfield’s shopping offer, adding to the mixture of local services at the local centres and many existing retail spaces in Westfield. • the location enhances the aspiration for developing a geographic centre for the community • the position and nature of the proposal would not add significantly to <u>result in severe</u> peak period road congestion ie. 6.30 am-9am and 4pm-6pm. <p>Maps should be included in the printed Neighbourhood Plan at a scale sufficient to accurately identify the “retail areas through Westfield”.</p>	60	So that the policy has regard to national policy and is in general conformity with the strategic policies contained in the Development Plan for the area
RM11 (Page 45)	<p>Policy 12 Land Usage Proposals</p> <p>Proposals for the use of land or buildings on existing employment sites for uses other than employment purposes will not be permitted-supported unless:</p>	61	So that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

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	<p>It can be demonstrated that the on-going use of the premises or land for employment purposes is no longer viable. Where an applicant is seeking to demonstrate that an existing employment site is not suitable for continued employment use, the planning application will be required to contain a detailed supporting statement giving evidence of continued active and efficient marketing for a period of 12 months that seeks to demonstrate that this is the case, with evidence of fair rental <u>or sale</u> price of the space, which is comparable with rental prices in the area.</p> <p>OR</p> <p>The alternative proposal would provide demonstrable and ongoing employment benefits to the local community, as evidenced by a supporting statement.</p>		
RM12 (Page 46)	<p>Policy 14 A Community Facility for Westfield The Neighbourhood Plan will support a proposal for the development of a parish facility in Westfield to meet the social, recreational and cultural needs of the community, where it is in accordance with other policies within this plan.</p>	63	So that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
RM13 (Page 47)	<p>Policy 15 Developer Contributions The Neighbourhood Plan identifies the following key infrastructure to be funded via the Community Infrastructure Levy, s.106 or other grant funding. (1) Natural Environment – The Neighbourhood Plan supports will support the conservation, protection and enhancement of our natural environment, by maintaining and extending our green corridors including hedgerows, hillsides, valleys and green space. (2) Recreation Grounds - The Neighbourhood Plan will support the provision of safe and accessible Play Areas for community use where there is an</p>	64	For clarity

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	<p>identified need. To be promoted using funding from CIL and grants where available.</p> <p>(3) Allotments - The Neighbourhood Plan will support the provision of allotments for community use where there is an identified need. To be promoted using funding from CIL and grants where available.</p> <p>(4) Local Shops at Elm Tree Avenue – The Neighbourhood Plan supports <u>will support</u> the renovation of the existing local shops at Elm Tree Avenue to encompass grants for internal updates, improvements to the façade, outside lighting, paving and car parking provision.</p> <p>(5) Protecting and promoting biodiversity particularly in the green corridors</p> <p>(6) Creating signed nature and wildlife trails, including some accessible to wheelchair/pushchair users.</p> <p>(7) Improving access to the countryside including safe walking and cycling routes in the Parish and their accessibility by people of all ages to encourage healthier lifestyles.</p> <p>(8) Mapping and, wherever possible, linking our local Green Spaces to those of neighbouring parishes and towns, including</p> <p>(a) A Westfield Park in the form of a nature trail, linked to the proposed town park in Midsomer Norton to allow access to both</p> <p>(b) Management of Snails Brook, the weir on the border with Radstock</p> <p>(9) Improving the façade and outer area of the local shops at Elm Tree Avenue.</p> <p>(10) Preserving the Pit Pony Stables, the Engine Winding House and World War II Pill Boxes, Westfield Methodist Chapel and St Peters Church.</p> <p>(11) Promoting the enhancement of Public Footpath CL24/42 Fosse Way.</p> <p>(12) Encouraging the development of a Heritage Trail for the Parish.</p> <p>(13) Doctors’ surgeries, Dentists and pharmacies expansion to support a growing neighbourhood with increasing health support requirements</p>		

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	<p>(14) A Community Centre for Westfield</p> <p>(15) Primary and secondary school expansion to support increase in family units entering the parish</p> <p>(16) Leisure facilities/social hubs – gyms, cinema, theatre, clubs to support the community spirit and general wellbeing of people in the parish</p> <p>(17) B and b/hotel accommodation to support increased business activities, walking and cycling holidays and facilitate family visiting particularly in light of smaller home sizes.</p> <p>(18) Libraries to enable access to learning resources for low income families and the wider population of the parish and give children a love of learning.</p> <p>(19) Colleges/universities to provide an attractive place to grow business through developing skills, alternative to those offered in Bath and Bristol and enabling creativity, language skills and leisure interests and create opportunity for future entrepreneurs.</p> <p>(20) Care/nursing care homes to support the requirements of an aging population in the parish</p> <p>(21) Contributions towards road improvements, including new cycle routes and facilities, as well as safer pedestrian crossings.</p>		
RM14 (Page 51)	<p>Policy 19 Air Quality Development proposals must demonstrate that developers have considered the impact of their proposals on air quality and where appropriate, provide an air quality management assessment.DELETE POLICY</p>	71	Policy 19 does not provide an additional level of detail or distinct local approach to that set out in the strategic policy. Policy 19 does not meet the basic conditions.
RM15 (Page 53)	<p>Policy 20 Parking: Domestic Dwellings Parking standards should ensure off street parking and meet the following standards. Not to the detriment of good urban design and green spaces, to</p>	72	The exclusion of garages from the minimum standards is not sufficiently evidenced, however it is appropriate to ensure a garage is sufficiently large to normally function

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	<p>be supported proposals for all new residential developments must provide a minimum of:</p> <p>(1) One space per one bed dwelling (2) Two spaces per dwelling per two-three bed dwelling (3) Three spaces per four bed dwelling and above (4) Half a space<u>0.2 spaces</u> per dwelling for visitor parking.</p> <p>Garages are excluded from the prescribed minimum standards <u>unless it is demonstrated they are sufficiently large to conveniently park an average sized family saloon car</u>. If no garage or secure area is provided there must also be provision for cycle parking as per 1 secure covered stand per dwelling in a communal area for residents, plus 1 stand per 8 dwellings for visitors.</p>		<p>as a parking space.</p> <p>Subject to the recommended modification this policy meets the Basic Conditions.</p>
RM16 Page 55	<p>A number of consequential modifications to the general text, and in particular the justification of policies sections, of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies. As an example, the final sentence of the Economy, Industry and Jobs section of the Plan should be deleted.</p>		<p>So that the Neighbourhood Plan provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework</p>
RM16 Page 55	<p>In a representation Bath & North East Somerset Council state “Informal comments received on the consultation draft plan have suggested that the title of the map on page 21 of the plan, currently worded as “Allocated housing sites” requires amending for clarity. Whilst the plan shown at 5.5/page 21 is correct in terms of the sites shown are allocated in the B&NES PMP, the description of these sites as “Allocated Housing Sites” is not correct (given some sites are allocated for uses other than housing) and should be amended to read as: ‘Allocated Sites from the B&NES Placemaking Plan’”. I agree this modification should be made.</p>	21	<p>So that the Neighbourhood Plan provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework</p>