

HAWORTH, CROSS ROADS & STANBURY NEIGHBOURHOOD PLAN

Submission Draft Version

**Haworth, Cross Roads & Stanbury Neighbourhood Plan
Examiner's Questions**

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Following my initial assessment of the Neighbourhood Plan and representations, I would appreciate clarification and comment on the following matters from the Qualifying Body and/or the Local Planning Authority. In order to ensure openness and transparency of the examination process, these questions and the responses should be published on the Council's website.

In addition to matters on which I would welcome clarification or further information, I am highlighting my concerns about the plan and proposing suggestions for addressing them so that the QB and/ or LPA has the opportunity to respond to them, if they wish, in advance of receiving my examination report.

I must congratulate the community on the work they have undertaken in preparing a very comprehensive assessment of potential non-designated heritage assets (NDHA). My concern is about the adequacy of the mapping of the properties. Notwithstanding how listed buildings are mapped, Neighbourhood Plans are required to be drafted clearly and unambiguously so that decision makers can interpret the policies consistently.

Appendix 3 is the Non-Designated Heritage Assets assessment report. In view of the scale of the Policies Map, I am proposing to suggest that Appendix 3 should be improved to include site plans showing the boundary of each property and identify the building or feature to be designated. Where possible, photographs of the building and any particular features should also be included.

I set out below my concerns on the policy wording and revisions that I am proposing. I would welcome comments from the QB and/or LPA as appropriate.

1. **Policy BHDD1** – The first paragraph on page 17 about the CAA is worded negatively which is considered to be inappropriate. I am proposing that the fourth sentence from the first paragraph on page 17 should be deleted.
2. Would it be helpful to refer to the Bradford Shop Front Design Guide and the Shopkeepers Guide to Securing Premises SPDs which provide much more detailed guidance on the design of shopfronts in historic areas than bullet points 9 and 10?
3. Bullet points 2, 3, 10, 11 and 12 of Policy BHDD1 are set out as requirements. Would the QB and LPA consider whether a degree of flexibility should be introduced into these considerations.
4. Would the QB explain what is meant by “reflect the interest of the area” and how it is to be interpreted by decision makers in bullet point 4 of Policy BHDD1.
5. **Policy BHDD2** is worded identically to Policy BHDD1. Is there any reason for the policy to be separate or could it be amalgamated with Policy BHDD1 to provide one policy to guide development in the conservation areas?
6. Should **Policy BHDD3** include consideration be given to the “conservation” of these areas?

7. **Policies BHDD4 – 7** are identical except for an additional criterion in 6 and 7. Is there any reason for four separate policies or could they be amalgamated to provide one policy to guide development in the Local Heritage Areas?
8. **Policy BHDD8** - It is difficult to identify the non-designated heritage assets and their curtilages from the Policies Map and I am concerned that the policy could not be applied consistently by decision makers.
 - I am proposing to recommend that Appendix 3 be presented as a separate assessment report that should give more information on the process of identifying the properties, the selection criteria and that it should include maps and photographs of the properties. Would the QB confirm that this would be acceptable.
 - Would the QB confirm that the property owners/occupants have been consulted on the proposed designation and how they have dealt with any objections.
 - There are two properties included in Appendix 3 (Balcony Farm House and Pedley's Old Telephone Exchange) that appear not to be proposed for designation. Some explanation should be given of the reasons or they should be removed from the report.
9. **Local Wildlife Sites** – I note BMDC's comments on the Local Wildlife Sites that have been designated and the possible conflicts with other designations. Would the QB and LPA consider these and agree any revisions to the NP and supporting documents that should be made in the light of the designation of the four sites as LWS.
10. **Policy GE2:** BMDC has noted that some of the sites are within the Green Belt or covered by other designations. Would the LPA confirm which sites are within the Green Belt. Is there any value in identifying the sites in the Green Belt as LGS to demonstrate that a comprehensive assessment of sites important to the local community has been undertaken?
11. **Policy GE2:** would the LPA explain their comments in the representation on sites LGS 16 and LGS 137 which do not appear in the submission plan.
12. **Policy GE3:** Would the QB/LPA comment on the proposed revision to the wording: ***“The enhancement of a designated Local Green Space to improve the quality or usability of the open space will be encouraged.”*** I am also proposing that it should be included at the end of Policy GE2.
13. **Policy CF1:** It would be helpful to explain in the justification to the policy how marketing and viability assessment is to be carried out and the evidence required to support applications that involve the loss of community facilities. Does the Council have established procedures or guidance for undertaking marketing or viability testing of proposals that would result in the loss of a community facility? Would the QB and LPA agree additional wording to be included in the justification to explain the evidence required.
14. **Policy CF1** – safeguarding of public houses, inns and social clubs. Appendix 7 lists 17 such facilities. The policy may be difficult to apply to such facilities in this settlement in view of the number of them. Other neighbourhood plans for smaller

communities usually seek to safeguard “the last pub”. Would the QB and LPA consider whether the policy is deliverable in this respect.

15. **Policies H1 – H4:** Other than the Sustainability Assessment, has any masterplanning or other assessment of the potential housing sites been undertaken to consider whether the sites and the specified requirements are deliverable and how they would impact on the viability of the sites as required by NPPF para 34? Would the QB and LPA consider whether some flexibility should be introduced into the policy eg by referring to the criteria as “principles” or adding “where possible/feasible”. Is it intended that all the requirements should be met, in which case the word “and” should be added at the end of the penultimate paragraph.
16. **Policy H3:** from Google Maps aerial photos this site appears to have considerable tree cover. Would the LPA provide a map of the TPO on this site. Have the views of the Highway Authority been sought on access to this site? I note the concerns raised in Appendix 8 on parking in Baden Street. I am concerned that the evidence in Appendix 8 does not set out robust evidence to support the introduction of local parking standards as required by NPPF para 105. Moreover, criterion 6 is considered to be imprecise. It would be more helpful to set a minimum standard related to the size of the dwelling in terms of the number of bedrooms. It should be agreed with the highways authority. Would the QB discuss with the LPA.
17. **Policy H5:** Would the QB / LPA comment on the following:
 - a) Three bullet points refer to “avoiding adverse impacts”. Should the word “unacceptable” be added as it may not be possible to avoid all adverse impacts.
 - b) Should “and their settings” be added to criterion 2?
 - c) Has the highways authority agreed to criterion 4? Is this appropriate and deliverable? Would the QB and LPA comment on the following proposed wording “**The programme of highway improvements shall be agreed with the highway authority before development commences on the site**”.
 - d) How is it intended that the term “quick and easy access” is to be applied in criteria 5 and 8?
 - e) Legislation enables the diversion of rights of way, if necessary, for development, so criterion 6 needs some flexibility. Would the QB and LPA comment on the proposed revised wording: “**Public rights of way and cyclepaths should be retained on their existing route. Where this is not feasible, the diverted route should not be substantially less convenient for the public to use than the existing route.**”
 - f) Criterion 9 is considered to be vague and imprecise. Would the QB and LPA comment on the proposed revised wording: “**Adequate in-curtilage off street parking shall be provided in accordance with, or in excess of, the Council’s parking standards.**”
 - g) Criterion 10 on trees also requires a degree of flexibility as the safeguarding and retention of all trees on a site may not always be possible or desirable. Would the QB and LPA comment on the proposed revised wording: “**As far as possible, trees that are subject to a Tree Preservation Order shall be**

safeguarded and protected during development and other mature trees shall be retained.”

18. **Policies H1 – H5:** If Policy H5 is to be applied to all allocated housing sites, is there a need for Policies H1 – H4?
19. **Policy H6:** I am concerned that this policy does not put any constraints on the suitability of development locations other than precluding sites safeguarded by the plan’s environmental policies. In particular how would this policy be used to consider proposals in the countryside? There is no reference to sites being well related to existing development or only being acceptable in the countryside if it accords with national planning policy.
20. **Policy H6:** The second bullet point sets out a number of considerations relating to the capacity of infrastructure. Unless deficiencies have been identified eg in an up to date Local Infrastructure Plan it would be very difficult for decision makers to apply this policy as worded. Would the LPA confirm how they deal with small scale development proposals in areas where there are deficiencies in infrastructure. Do they have policies or guidance on contribution towards improvements to the infrastructure?
21. **Policy H6:** Accessible housing – Core Strategy Policy HO8 sets a threshold of 10 dwellings. Has the QB prepared any robust evidence to justify the reduced threshold?
22. **Policy H8:** The Housing Needs Assessment provides a fine grain assessment of the need for various types of housing in the parish. It concludes that there is a need for 49 social and affordable homes; however this is not reflected in the first bullet point on page 49 of the Plan. I have concerns that the policy is not clearly worded and would be difficult to apply consistently. Would the QB/LPA comment on the following proposed revisions to the policy

Amalgamate first four paragraphs to read: “Subject to the findings of the latest housing needs assessment, development of larger housing sites (of 0.4ha or above or 10 or more dwellings) will be expected to provide a mix of market and affordable housing of: (include two bullet points from Policy H8).

“The development of Build to Rent housing will also be encouraged.

“The development of sites consisting primarily of large dwellings (4 or more bedrooms) will not be supported.

Final paragraph not changed.

Revise the first bullet point on page 49 of the justification and include reference to need on Build for Rent.

23. **Policy E1:** The policy makes no reference to design or consideration of impact on the conservation areas, I am proposing to recommend that the following criterion is added to the policy: ***“Where applicable, the development shall be laid out and designed taking into account the principles of Policy BHDD1.”*** Would the QB confirm that this is acceptable.
24. **Policy E2:** I have a number of concerns about the clarity of the wording of this policy.

- a) Planning policy cannot “retain” uses unless there is a justification for safeguarding them.
- b) It is not clear what “locally based” visitor accommodation refers to. In any case planning policy cannot control the ownership or management of such accommodation.
- c) The wording refers to a mixture of landscape and heritage features although not the conservation areas.
- d) The second paragraph of the policy includes the wording from CS Policy EC4F “*having regard to accessibility and sustainable transport, local character and design*” without adding any local interpretation.
- e) Would the QB and LPA comment on the following suggested revised wording for this policy:

***“The development of visitor accommodation will be supported where it respects the character of the local landscape of the South Pennines and conserves and enhances the heritage of Haworth and the conservation areas.*”**

“New accommodation should be well designed to reflect the built character of the area and have regard to the principles set out in Policy BHDD1.”

- 25. **Policy HT1:** Would the QB clarify the intentions of the second paragraph of this policy. Presumably all developments will be expected to meet their own parking requirements. Is it intended to encourage development that provides additional **public** car parking as well?
- 26. **Policy HT2:** I have checked the locations of all the car parks on Google Maps aerial photographs. Would the QB confirm that car park 7 Damside Mill is plotted accurately as there appears to be a building on the site. Would the QB confirm that all the owners of these sites have been consulted on this policy.
- 27. **Policy HT2:** A number of these car parks are associated with other uses such as churches, community halls and clubs. In the circumstances where the main building and the car park were to be redeveloped together, it would appear that criterion (ii) would require replacement parking in the area. Is that the intention of the policy?
- 28. **Policy HT4 -** please refer to my comments on Policy H3(6) above. I am concerned that the policy is vague and imprecise and is not supported by robust evidence.
- 29. **Policy HT5 –** This policy is in effect seeking planning obligations to improve bus services. It is not clear what types of development the policy will be applied to. It is not therefore possible to demonstrate that the requirements satisfy the tests for planning obligations set out in NPPF para 56. I am therefore proposing that the policy should be deleted. It is noted that the support for new routes to the hospital and Halifax is included as a Community Action.
- 30. **Policy HT6:** I have similar concerns about Policy HT6. It is noted that the Community Actions set out the priorities for improvement to the network. I am proposing to recommend that the policy be deleted and replaced with the following:

“Where feasible, developments should include a link to the nearby public rights of way, bridleway or cycle network.”

31. **Policy HT7:** I am proposing that the wording of the policy should be clarified to refer to the route being “safeguarded” and the development of the route as a cycle way being supported. Would the QB/LPA comment on the proposed revision.
- “...Neighbourhood Area, shown on the Neighbourhood Plan Policies Map is safeguarded. The development of the safeguarded route as a cycle way will be encouraged. Development *should not* prevent or harm the development of a cycle route along the identified route.”**

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