

Membury Parish Council

Membury Neighbourhood Plan - Examiners initial questions

These are the responses to the Examiner, Mr. Andrew Mead, from both the Steering Group on behalf of the Parish Council and from East Devon District Council. These responses were emailed to him by Philip Twamley, EDDC Neighbourhood Planning Officer on Wednesday 11th April 2018.

The original question from the Examiner is repeated in red and the response in black.

Alex Tasker (Email: memburyplan@gmail.com)

Questions to Membury Parish Council

1. Could the QB please provide me with a map marking the location of Furley Chalk Pit SSSI and Quarry Fields meadows (Quarry Fields Farm?) SSSI?

Done - but we should correct p8 line 6 and not refer to Quarryfields meadows as Nic, Jeremy and I think they are in Axminster parish.

2. Policy BEH1 [sic]. Does this policy apply to proposals for all development? ^(2.1) If so, is it reasonable to require BEH1 (3) "encourage enhancement of listed assets", ^(2.2) when some development for which planning permission is necessary may not have any impact on a heritage asset or its setting? Alternatively, does Policy BEH1 only apply to proposals for development which would affect heritage assets and, if so, should its description be altered?

2.1 Policy BEH1. Does this policy apply to proposals for all development?

Policy BHE1.1 applies to all development within the parish. In writing this we recognise that there may be a problem implementing it [who would police the delivery vehicles and we have been advised that this is NOT a planning issue and therefore technically outside a NP remit] but as the feed back regarding oversized vehicles damaging the Devon banks and hedgerows was so strong we felt it necessary to put it in in the hope that new development would take into account how they would get materials delivered to site and what the access on to the site was to be.

2.2 is it reasonable to require BEH1 (3) "encourage enhancement of listed assets"

Our policies for new development (HP1 through HP5) are written in such a way as to preclude any development from impacting any designated and protected sites.

BHE1.3 was added at the request of Heritage England following the statutory review. We presume that your concerns are in both demanding "enhancement" of a listed asset and for all developments. We hoped that BHE1.2 would prevent a development spoiling the view of an asset through new development. We would appreciate your guidance on BHE1.3 but would the following slight re-wording be better or is it too prescriptive (we would like to say "in the vicinity of" or "nearby" but realise that is too loose a definition)?:-

3) if it provides protection of any listed asset adjacent to the development curtilage and

3. Policy HP1 states that there should be no more than "3 new builds in the village or any hamlet over the plan period." What evidence is there to suggest that infill development as defined in the NP should be capable of taking up to six dwellings? ^(3.1) For example, in my experience, infilling is frequently described as building one or two dwellings within an otherwise built up frontage ^(3.2).

3.1 What evidence is there to suggest that infill development as defined in the NP should be capable of taking up to six dwellings?

Feedback from the parishioners originally was "we have a Village Design Statement, why can't we just stick with that?" That is why we incorporated it into the NP. To avoid re-doing that body of work, for consistency we quoted the figure of 6 (as it appears in the Design Statement). The downside of doing this is that it appears inconsistent against the new build number and that it allows a greater gap within the parish for infill. However, I can not think of one possible site where this would have any practical impact.

3.2 infilling is frequently described as building one or two dwellings within an otherwise built up frontage.

Membury Parish Council

We modelled our definition of infill upon one that, I think, came from South Berkshire or Reading. We are trying to say that further development within a hamlet is OK but not if it extends the built boundary - we want to preserve the countryside and open views and prevent sprawl or ribbon development.

4. Policy HP1. Could the QB please provide the evidence and justification to support ^(4.1) the NP policy of building new dwellings in the named hamlets of Furley, Longbridge, Rock and Webble Green ^(4.2), in addition to development in Membury village?

4.1 policy of building new dwellings in the named hamlets

From the outset, parishioners had requested some new development - 86% of respondents from 57% electors - but that it be controlled in design and location, in accordance with our Design Statement and EDDC adopted Supplementary Planning Guidance [SPG]. When we started this Plan there were two Built Up Area Boundaries [BUAB] within the parish: together effectively covering the Membury village centre. Five new properties were allocated to the BUAB in the then emerging Local Plan. Because of the susceptibility of the village centre and Rock hamlet to flash flooding, parishioners were unhappy at all development being within these BUAB's.

In our considerations, even if we were able to extend the BUAB to meet Policies NE1, NE2, BHE1, BHE2 & SPG (ie for any new development not to spoil the countryside and environment), then this would mean building in the village flood catchment area (below the skyline and away from Membury Castle). Consideration was given to still allowing this but imposing mitigation of flood risk and this has been incorporated within our Plan [HP1, HP3.2 & F1]. The steering group thought that in practise these restrictions would make most (but not all) new development within the village prohibitively expensive for commercial developers.

Therefore, in November 2014 and at subsequent public exhibitions and consultations the Steering group suggested development in some hamlets to meet the public desire for new development but not to increase the risk of flash flooding. All subsequent public responses supported this proposal and at no time were there any objections from the public to the hamlets chosen until the final consultation when Blackdown Hills AONB questioned the selection (they have been closely involved in the creation of our Plan from the very first meeting and have had significant influence on all iterations).

4.2 [why] the named hamlets of Furley, Longbridge, Rock and Webble Green[and] Membury village?

As with any rural parish, local descriptions and understandings may not meet officialdoms' understanding. This may be the case with which "clusters" are regarded locally as a hamlet and which are not. We have bowed to local understanding as we were preparing a Plan for locals. Selection of the hamlets:

- the hamlet of Crawley was discarded on the grounds that it was on the A30 and, naturally, inhabitants would gravitate to Yarcombe for school, church, pub and shop, or to Chard. This would not benefit our parish.
- although not regarded locally as a hamlet, Greendown was discarded because it is a disparate collection of properties with large spaces between them and set on the crest of the valley - therefore not appropriate within the existing Design Statement/SPG.
- again, although not regarded as a hamlet, for the same reason Hill Common was not an appropriate setting for further development. Hill Common is the only settlement where there has been feedback to deny further new development.
- lower Loosley Lane (bottom or western end - around Quakers) was considered to be inappropriate due to flooding and spoiling of the countryside with further new build.
- development in/around Ford would cause "ribbon development" and remove the open field environment of that area.

Membury Parish Council

- that left Furley, Longbridge, Membury, Rock and Webble Green where, providing we could define "infill" to protect the views and prevent sprawl there could be some development.

Later, after examination, the Local Plan [LP] changed and Membury parish was designated "Open countryside" thus preventing all new development. This version of the LP was adopted in March 2016. Despite representations from Membury PC noting that the LP allowed NP's to be able to over-ride the LP EDDC were not approving of local wishes and declared that even Membury was not by their definition "sustainable" so there was no way the smaller hamlets could sustain development. Our argument was that the parish had been in existence since being mentioned in the Domesday Book: had no bus service then: had no benefit from Planning Regulations but had still sustained and, further, the rate of new build proposed was similar to that of the past 500 years. In July 2015 we circulated another, Housing Specific Questionnaire to every household asking all residents if, despite us going against the LP, they still wished to see both new development in the parish and also in the hamlets. This was approved with 79% in favour from 206 responses [47% of total parish population].

5. Policy HP3. The policy states that proposals for any new additional housing development will be supported "if it provides a Community Land Trust to support local families and the local elderly or where the proposal meets demonstrable local housing needs or is supporting employment or for dependent family". Does this policy apply to all new dwellings? ^(5.1) If so, how does the policy fit with Policy HP1 (4) which implies that there would be up to 3 new builds in the village or any hamlet over the plan period, in addition to those built under Policy HP3 and Policy HP4? ^(5.2) Alternatively, does the policy only apply to housing for local needs as implied in the title and should the policy say so? ^(5.3)

5.1 Policy HP3. Does this policy apply to all new dwellings?

Policy HP3 is specifically and solely referring to the establishment of a Community Land Trust or similar.

5.2 how does the policy fit with Policy HP1 (4) which implies that there would be up to 3 new builds in the village

It is our understanding that "Affordable" or social housing does not have to meet all the criteria required of commercial or private new development. We commissioned a Housing Needs Survey by the then Community Council of Devon in 2014 and that identified a need for only 2 affordable homes but a need for special housing for the elderly - so that older residents could stay within the parish and their circle of friends rather than being forced to leave and move to residential homes outside the parish. There was a need for low-cost starter homes for young people who wished to stay working within the parish - land workers, carpenters, welders and those using the internet for business. Further, by finding a way of retaining young families there would be the continued justification for the village school and shop - a sustaining self-supporting parish.

Because the elderly would be selling their existing properties they were not entitled to affordable housing. By including some social housing within that same development, it was hoped that there would be the opportunity for younger people to provide paid-for care, maintenance, gardening support to the less able. This was seen as a virtuous circle.

It was expected that the consequent turn-over of properties would bring in on the whole younger families thus preventing the average age of parishioners from rising too much.

Having investigated the concept of CLT's and visiting and discussing with those in Beer, Dalwood and Dunkeswell this was thought to be a suitable vehicle to provide the above. Maybe a development of 5 - 10 small properties would meet the social need and provide stability and employment.

The parish needs a champion to exercise, organise and implement this option.

5.3 does the policy only apply to housing for local needs as implied in the title and should the policy say so?

Membury Parish Council

If our presentation has caused confusion then certainly it should be clarified and we would be happy to do so.

Question to East Devon District Council

6. Policy HP2. Notwithstanding the details of the policy, if a detached residential annex is built in the grounds of a house in order to provide a low-cost home for family members, such as the young or elderly, is the local planning authority satisfied that reasonable development management measures will enable such an annex to be maintained for the permitted purpose and not turned into another ancillary use such as holiday accommodation, or segregated from its host dwelling?

We are satisfied that policy HP2, contained in the Membury Neighbourhood Plan, could be effectively managed through planning conditions to ensure annexes are maintained for the permitted purpose only.