

Hoby with Rotherby Neighbourhood Development Plan

Examiner's Clarification Note

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.

Initial Comments

The Plan provides a clear vision for the neighbourhood area. It addresses a comprehensive range of issues.

The presentation of the Plan is excellent. The maps are very effective.

The package of submission documents and the wider evidence base is both comprehensive and proportionate to the neighbourhood area. The Character Statement is particularly effective and feeds directly into several policies in the Plan itself.

Points for Clarification

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now in a position to raise issues for clarification with the Parish Council. There is also a specific question for the Borough Council.

The comments made on the points in this Note will be used to assist in the preparation of my report and in recommending any modifications to the Plan to ensure that it meets the basic conditions. I set out specific clarification points below in the order in which the policies concerned appear in the submitted Plan.

Clarification matters for the Parish Council	Responses
<i>Policy 1</i>	
This is a very effective policy. It is an excellent response to the national agenda on good design.	Noted
<i>Policy 5</i>	
<p>I saw the nature of the key views when I visited the neighbourhood area. I saw how they related to its wider landscape character.</p> <p>Is the first part of the policy intended to apply to the determination of planning applications?</p> <p>If this is the case, how would the Parish Council intend that the Borough Council apply this element of the policy on their 'loss or unnecessary interruption' in a clear and consistent fashion throughout the Plan period?</p>	<p>The intent of the policy is not to block development, but to make sure the views are fully considered through the design process. If a potential development is affecting one or more of the identified views, then developers should, in their design and access statement, identify how they have considered and/or responded the developments' impact(s) on the particular view. It is the justification within the design & access statement that the planning officers should be considering against any impact to the view(s).</p> <p>The views identified are those evidenced from the Hoby with Rotherby Character Assessment and either have historic and/or landscape value.</p>
<i>Policy 6</i>	
In general terms the policy and Appendix C incorporate precisely the type of local green spaces (LGS) which are envisaged by the NPPF.	
<p>In relation to proposed LGS 3 (Hoby Play area and paddock) I saw the Notice to Quit displayed at the entrance (as sent to the Parish Council) during my visit. In this context I would be grateful if the Parish Council would comment on the ability or otherwise of the proposed LGS to meet the guidance in paragraph 99 of the NPPF on its longevity.</p>	<p>The identified "Notice to Quit" on the area of land is not, we are advised, legally binding as it has not gone through the correct legal process to date.</p> <p>The area of the land proposed as LGS3 is part of the rural character of Hoby. It forms a semi-natural green entrance to the village from Brooksby and is partly located within a flood risk area. Its accessibility as a recreational space has changed over time, but it has always remained an undeveloped piece of natural land and will remain an intrinsic part of the character through the plan period and beyond.</p>

	<p>In relation to Ms A Warner’s submission [Respondent 10] it is pertinent to note that the community consultations identifying green spaces took place in 2016; Ms Warner took possession of her sites in 2018 and expressed alternative uses for them in 2019. We reject the implication that the Plan is a mechanism to frustrate future sustainable growth and development upon land in Hoby.</p>
<p>In any event has the proposed designation of this parcel of land as LGS taken account of the recent granting of planning permission for the development of affordable housing on the site (19/01113/FUL)?</p>	<p>The proposed development for affordable homes was NOT granted planning permission.</p>
<p><i>Policy 13</i></p>	
<p>This is a good policy in general, and through its identification of specific community facilities in particular. It properly takes account of the importance of such facilities to the well-being of rural communities.</p>	<p>Noted</p>
<p><i>Policy 14</i></p>	
<p>As currently proposed the policy is not in general conformity with the strategic policies in the adopted Local Plan. I am minded to recommend a modification to remedy this issue.</p> <p>Does the Parish Council have any comments on this proposition? In particular does it have any comments on the proposed changes to the policy suggested by the Borough Council?</p>	<p>The settlement boundaries are being proposed as new designations within the Neighbourhood Plan. This is mainly from a character perspective and simply illustrates the main built-up-areas of the existing settlements.</p> <p>MBC comments about including the college settlement boundary risks the community current support for slow infill of residential development, as evidenced by the majority (65%) of responses to our questionnaire. This is not in general conformity with the strategic policies in NPPF Local Plan.</p> <p>if the boundary for Brooksby includes the college buildings, it could lead to residential development within this largely educational and undeveloped area.</p> <p>In terms of including a reference to ‘within and adjoining settlements’ to Policy 14, then this would be acceptable to be in compliance with MBC Policy SS2/SS3 as per examiners feedback.</p>

<p><i>Policy 15</i></p> <p>I can see that this policy takes a locally-distinctive approach to this important matter.</p> <p>Nevertheless, should it take account of the extant outline planning consent on the site and the ability of a developer to pursue any subsequent reserved matters application within the context of that outline permission?</p>	<p>The design code work has been undertaken in partnership and consultation with the college and regard to the existing planning approval. The consultants undertaking the work had been on-site to visit the location and used the existing information that supported the current outline planning permission. This formed the basis of the design code report.</p> <p>The design code work seeks to strengthen the developments integration into the surrounding countryside and with the existing settlements in the Parish. A concern in the community is how this new development of 70 homes is designed appropriately to complement the area’s rural characteristics. The criteria based policy and design code for Brooksby Spinney is seen as a crucial element to help guide the reserve matters application.</p>
<p>Clarification matters for Melton Borough Council</p> <p>Does the Borough Council have any information about the potential submission of a reserved matters application on the Brooksby Spinney site (Policy 15)?</p>	<p>Melton BC</p>
<p>Representations</p> <p>Does the Parish Council wish to comment on any of the representations made to the Plan in general? In particular does the Parish Council wish to make any comment on the following representations? (numbers in brackets are the reference numbers on the MBC website).</p>	
<p>Roythornes (10) Policy 5 Key Views</p>	<p>It is believed that Policy 5 is consistent with the example quoted</p>
<p>Tarmac (11) General comments</p>	<p>The submission by Heaton Planning on behalf of Tarmac Trading identifies three points that were accepted when made at the Regulation 14 submission; these should have been reflected in the Regulation 16</p>

		submission version.
Prangley Planning (13)	Ragdale settlement boundary	It is believed the boundary has been correctly shown in the neighbourhood plan around the curtilage of November Cottage
On representation 13 I have asked for clarity from the agent on the curtilage of November Cottage. I have also requested a map showing what is sought by way of a change to the settlement boundary. The Borough Council will send the supplied details to the Parish Council. Please feel free to incorporate any comments on these details within the wider response to this note		
Bloor Homes (14)	Policy 15 Brooksby Spinney	It is noted that this submission is based on early outline planning permissions before they were varied in March 2020
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Protocol for responses

I would be grateful for responses and the information requested by 1 October 2020. Please let me know if this timetable may be challenging to achieve.

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 Borough Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

Andrew Ashcroft

Independent Examiner

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15 September 2020