

John Slater Planning Ltd

East Meon Neighbourhood Development Plan 2016-2032

Submission Version

A Report to the South Downs National Park Authority on the Examination
of the East Meon Neighbourhood Development Plan

John Slater BA (Hons), DMS, MRTPI

John Slater Planning Ltd

johnslaterplanning@gmail.com

12th August 2017

Contents

	Page
Introduction	3
The Examiner's Role	3
The Examination Process	5
The Consultation Process	6
Regulation 16 Consultation	6
The Basic Conditions	7
Compliance with the Development Plan	7
Compatibility with EU Obligations and Human Rights Legislation	9
The Neighbourhood Plan: An Overview	10
The Neighbourhood Plan Policies	11
The Referendum Area	26
Summary	26

Introduction

Neighbourhood planning is a process introduced by the Localism Act 2011 which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan, which currently is the saved policies of the somewhat dated East Hampshire Local Plan – 2nd Review, adopted in 2006 and the policies of the East Hampshire Local Plan – Joint Core Strategy, adopted in 2014 and in time by the South Downs Local Plan. Decision makers are required to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise.

The neighbourhood plan making process has been led by East Meon Parish Council. A Steering Group was appointed to undertake the plan preparation made up of Parish Councillors and lay members. East Meon Parish Council is a “qualifying body” under the Neighbourhood Planning legislation.

This report is the outcome of my examination of the Submission Version of the East Meon Neighbourhood Development Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum then the Plan will be “made” by the South Downs National Park Authority (SDNPA), which is the Local Planning Authority.

The Examiner’s Role

I was formally appointed by the SDNPA in February 2017, with the agreement of the Parish Council, to conduct this examination. My role is known as Independent Examiner.

In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 39 years’ experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both the SDNPA and East Meon Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.

Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- That the plan should proceed to referendum on the basis that it meets all the legal requirements.
- That the plan should proceed to referendum if modified
- That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.

Furthermore, if I am to conclude that the Plan should proceed to referendum I need to consider whether the area covered by the referendum should extend beyond the boundaries of area covered by the East Meon Neighbourhood Development Plan area.

In examining the Plan, the Independent Examiner is expected to address the following questions

- a. Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
- b. Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
- c. Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body.

I am able to confirm that the Plan, if amended in line with my recommendations, does relate to the development and use of land covering the area designated by the SDNPA for the East Meon Neighbourhood Development Plan on 14th August 2014.

I can also confirm that it does specify the period over which the plan has effect namely the period between 2016 and 2032.

I can confirm that the plan does not cover any “excluded development”.

There are no other neighbourhood plans covering the area covered by the Plan designation.

East Meon Parish Council as a parish council is a qualifying body under the terms of the legislation.

The Examination Process

The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or to give a person a fair chance to put a case.

I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.

I am satisfied that I am in a position to properly examine the plan without the need for a hearing. One party asked to appear at the hearing if I determined that one was required, but as I have stated, I have concluded that this was not necessary.

Prior to carrying out my visit there were a number of issues upon which I sought clarification from either the Parish Council or the National Park Authority. These were set out in a document entitled Initial Comments of the Independent Examiner dated 7th April 2017. I received a combined response on 24th April 2017. These are available on the National Park's website.

I carried out an unaccompanied visit to the village and the surrounding area on 4th May 2017 to re-familiarise myself with the plan area and I visited all the sites and areas affected by the designations.

Following my site visit I raised a particular concern regarding the access arrangements of one of the allocation sites. I received a revised indicative layout from the promoter of the site via the Parish Council and the National Park Authority. I subsequently asked the National Park Authority's Planning Department to seek the views of Hampshire's Highway Authority as to the acceptability of the proposals. I received a response by way of copies of email correspondence between an Assistant Transport Planner and the landowner's highway consultant on 8^h July 2017.

In accordance with my usual practice I shared a draft copy of my report with the Planning Authority and the Parish Council for fact checking. Having seen my recommendation regarding two of the allocation sites the Parish Council has provided me with an illustrative layout of the larger site showing how my proposed recommendation could be laid out in clusters. I am happy to include reference to that plan being inserted into my recommended changes. That plan shows a footway running along the south side of Coombe Road which again I am content to include it in my recommended changes as it is referred to in the supporting text.

The Consultation Process

Prior to the preparation of the Neighbourhood Plan, the Parish had produced a Parish Plan in 2013. However, the idea of preparing a document which would be part of the development plan, was launched at the Annual Parish Assembly the same year. This led to the setting up of a Steering Committee working under the direction of the Parish Council with working groups covering housing, design and landscape.

The first public engagement session was an Interactive Open Day held on 23rd January 2014 where possible development sites were identified, as well as gaining information such as valued local amenities, important viewpoints and general areas of concerns to the village. This was followed up by a questionnaire which had a 25% response rate (110 returns).

A website was launched in 2015 and residents could follow the plan's progress through Parish assemblies and articles in the Parish magazine as well as other avenues.

On 7th February 2015, an open consultation day was held and the residents could express preferences as to which site should be developed.

A housing needs survey was carried out in May / June 2015 which achieved a 23% response rate.

In November 2015, an open day was attended by 102 residents which informed residents as to the criteria for assessing and selecting proposed development sites. Landowners and potential developers had their opportunity to submit their proposals for the sites during 2015 with presentations being given in November/ December of that year.

This work led to the preparation of the Pre-Submission Version of the Plan, known as the Regulation 14 consultation version. This was consulted over a six-week period between 14th May 2016 and 25th June 2016, with two open mornings being held. 53 written responses were received from local residents, as well as responses from statutory bodies and on behalf of landowners.

I am very satisfied that the community's views have been sought throughout the plan making period and the residents have had an opportunity to influence the plan.

Regulation 16 Consultation

I have had regard, in carrying out this examination, to the comments made during the final round of consultation which took place between 27th January 2017 and 10th March 2017. This consultation was organised by the SDNPA who had received the Submitted Plan on 10th January 2017. This stage is known as the Regulation 16 Consultation.

In total 16 responses were received including 2 from the same person promoting the merits of an alternative site. These included Southern Water, South Downs National Park Authority, Highways England, Natural England, Environment Agency and Historic England. I also received representations on behalf of 2 landowners, one whose land is allocated and another from a site owner whose land is not included. There were 7 letters from the public, including one from a frequent visitor to the village and another from somebody who owns a property affected by one of the allocations. I will refer to the results of the Regulation 16 consultation where it is relevant. I have however read and taken into consideration, all the representations even if they are not specifically referred to in my report.

The Basic Conditions

The neighbourhood planning examination process is different to a Local Plan examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down by legislation. It will be against these criteria that my examination must focus.

The matters which constitute the basic conditions, seek to establish in relation to the Neighbourhood Plan: -

- Whether, having regard to the national policies and advice contained in the guidance issued by the Secretary of State, it is appropriate to make the Plan?
- Will the making of the Plan contribute to the achievement of sustainable development?
- Will the making of the plan be in general conformity with the strategic policies set out in the Development Plan for the area?
- Does the making of the Plan not breach or is otherwise incompatible with EU obligations or human rights legislation?
- Whether the making of the Plan will have a significant effect upon a European site or a European offshore marine site, either alone or in combination with other plans and projects.

Compliance with the Development Plan

In terms of the *adopted* development plan, there are currently two local plans that are relevant to East Meon. It is a matter of general conformity with adopted development plans that the basic condition test requires compliance with. In this case, the development plan comprises the East Hampshire Local Plan – Joint Core Strategy, adopted in 2014 and the saved policies of the East Hampshire Local Plan – Second

Review, adopted in 2006. The South Downs National Park Authority has confirmed to me that it considers all policies in the Joint Core Strategy, to be strategic policies along with Policies H1 and H2 of the 2006 Local Plan. In the latter case Policy H1 covers the housing requirements for 1996 - 2011 and Policy H2 deals housing allocations, which included site adjacent to the East Meon Village Hall, which has now been developed. I do not consider that these latter two policies are relevant to my examination of this neighbourhood plan.

It is established that where a neighbourhood plan covers an issue which is dealt with by a non-strategic policy in an older plan, then the neighbourhood plan policy takes precedence. This is relevant because in the supporting text, the East Meon Neighbourhood Plan refers to the need to comply with policies in the 2006 plan. I do not consider that to be the correct interpretation. Where this plan's policies cover the same matters as policies in the 2006 plan, it will not be appropriate for an applicant or indeed a decision maker, to have to comply with the requirements of both the local plan and the neighbourhood plan. To give an example, Policy H 16 of the 2006 local plan covers the scale of replacement floorspace or extensions, by reference to a percentage increase in floorspace over the original. The East Meon Plan judges the acceptability of a proposal to the number of bedrooms.

I raised this matter with both the Local Planning Authority and the Qualifying Body in my Initial Comments and in their response, they stated that they now agree with my interpretation. Helpfully they have indicated the policies H3, H14, H16 and HE2 will be replaced by Policies EM2, EM3 and EM9 of this Plan, when and if it is "made".

The particularly relevant policy in the Joint Core Strategy to this neighbourhood plan is Policy CP2, which sets out the overall housing requirements for East Hampshire, including that part of the district within the South Downs National Park. East Meon is identified as a Level 4 Settlement, which has a limited range of local services and may be appropriate for some further small-scale local development. Policy CP10 requires the allocation of minimum of 100 dwellings in "other villages in the National Park". This states that sites will be identified "through... neighbourhood plans and settlement policy boundaries adjusted accordingly". It also states that the overall housing requirements will be achieved partly by "developments within the defined settlement policy boundaries of towns and villages where it is consistent with maintaining and enhancing their character and quality of life". Policy CP11 deals with housing tenure, type and mix. Policy CP13 deals with the level of affordable housing in residential development sites, Policy CP14 deals with affordable housing for rural communities, what is known as "exception sites", which this neighbourhood plan is not promoting. Policy CP17 deals with the protection of open space, sports and recreation and built facilities. Policy CP19 covers policies for the development in the countryside and Policy CP20 covers landscape and the natural environment. Policy CP25 addresses flood risk. Policy CP29 deals with design and Policy CP31 covers the historic

environment. Policy CP31 relates to transport and includes policies to protect “sunken and rural /green lanes”.

The neighbourhood plan has been prepared against the backdrop of the National Park Authority preparing its own local plan for the whole park, the South Downs Local Plan. At this stage, the latest version is the Preferred Options stage, which was the subject of public consultation in 2015. Work is now progressing on the Regulation 19 submission version of the plan which is due to be published later this year. The National Park’s Planning Committee have been considering proposed changes to the last iteration of the policies, the latest being considered in March 2017 which proposed changing policies related to the housing allocation and occupancy. The South Downs Local Plan is an emerging local plan, which has not been subject of its public examination and may change between the current version of the plan and the iteration that is finally adopted, which will be in 2018 at the earliest.

There are policies contained in the East Meon Neighbourhood Plan that specifically refer to compliance with policies set out in the Preferred Option Local Plan. That would, if accepted, give development plan status to draft planning policies. The Local Planning Authority and the Qualifying Body both acknowledge this is not tenable position and have recommended that I should remove reference to the South Downs Local Plan policy from the wording of neighbourhood plan policy.

Whilst a neighbourhood plan is not required to comply with an emerging plan to satisfy the basic conditions tests, there is clear guidance covering the situation where there is an emerging plan, which is set out in the online Planning Practice Guidance. This refers to the needs for qualifying bodies and LPAs working together, with the sharing of their evidence bases. Paragraph 009 of the Guidance states “It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies”.

I am very satisfied that there has been close working and collaboration between South Downs planners and the Steering Group. The most relevant policy where there is close synergy, relates to the amount of housing proposed to be allocated to East Meon. Policy CP22 of the emerging local plan allocates an indicative figure of 15 dwellings to the parish. This figure is not based necessarily on meeting *objectively assessed housing need* but rather on the capacity of the village particularly in terms of its landscape setting to accommodate new development. I will look at this in more detail with regard to my conclusions in policy EM1.

Compliance with European and Human Rights Legislation

The Parish Council requested the SDNPA to screen whether the East Meon Neighbourhood Development Plan should be the subject of a Strategic Environmental

Assessment (SEA) as required by EU Directive 2001/42/EC which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004”.

The SDNPA confirmed on 11th March 2016, having consulted with the statutory consultees (a response had been received from Historic England), to the effect that an SEA was not required and I have been sent a copy of that screening opinion.

I understand that there is only one European protected site in close proximity to the Plan area, the Butser Hill Special Area of Conservation and any impact on that site had been screened out and therefore it was not necessary for an Appropriate Assessment under the Habitats Regulations to be carried out.

I have received no representations that there is any incompatibility with the European or Human Rights legislation and I am satisfied that this element of the Basic Conditions test is met.

The Neighbourhood Plan: An Overview

East Meon is an iconic South Downs village, set in a stunning landscape. The neighbourhood plan has had to grapple with seeking to accommodate limited but not insignificant growth into a heavily constrained and sensitive landscape setting whose townscape is also of the highest quality,

The Neighbourhood Plan has been prepared against the background of a fairly recent Joint Core Strategy and an emerging Local Plan, being prepared by the National Park Authority. In particular, the housing numbers have changed and may change again in the future as the Local Plan progresses, but I am satisfied that there has been close collaboration between South Downs planners and the Steering Group, an example of good practice as recommended by national policy. I believe the housing numbers are a robust assessment of how much development that the village can accommodate at this stage and I do not need to recommend an alternative figure except that I have noted a desire to see the figure of 15 (an indicative number set out in Policy SP23 of the emerging Local Plan) as the figure of the total amount of development to be given planning permission in the village throughout the plan period rather than as *minimum* figures to be *allocated* in a neighbourhood plan. Equally I found the policy to set maximum figures for development on sites to be potentially artificially restricting the number of new homes that could be accommodated in the village.

Generally, I have only had to recommend changes to the wording of policies and have only had to recommend the deletion of one complete policy. I have recommended the deletion of Policy EM17, allocating the site on the corner of Coombe Road. I discuss my reasons in detail in the appropriate section of my report but in short, I have serious concerns regarding the suitability of creating an appropriate access to the site. Even

if a safe access could be delivered I have wider planning concerns that the engineering works necessary would have a very urbanising effect on this important approach into the village.

This deletion of that policy has had implications for other policies in the plan and I have made consequential changes. In particular, to ensure that the Plan as a whole still delivers its housing numbers and without allocating a new site that has not been out to consultation, I have recommended that the five units to be lost be added to the allocation on the land on the south side of Coombe Road, which coincidentally I believe is in the same land ownership. I had already reached a conclusion that the proposed development was a gross underdevelopment of such a substantial site which the East Meon Plan had chosen to allocate for housing to the extent it could almost be described as being “wasteful of precious land.”

I am very conscious that one of the underlying driving forces of the plan’s strategy has been the community’s stated desire for smaller enclaves of housing. Whilst I respect that view it begs the questions as to why the plan has allocated such a large area of land for such a limited number of small dwellings. If I had left the policy untouched I would not have been surprised if the developer had at a later stage sought to make better use of this area of residential land.

My proposal has therefore been to reallocate the 5 houses proposed for the corner site to the much larger site on the south side of Coombe Road, which has the added advantage of triggering a requirement for an appropriate and meaningful proportion of affordable housing, in line with policy that would comply with up to date national advice. My recommendations will make better use of that site but in a way that is consistent with the village’s desire expressed to see developments in small clusters.

This neighbourhood plan will provide up to date and relevant planning policies to guide development over the next decade or so and will supersede some now dated Local Plan policies which were adopted over eleven years ago, namely Policies H3, H14, H16 and HE2 of the East Hampshire Local Plan – Second Review.

My conclusions have concentrated on the wording of the actual plan policies so that they comply with basic conditions. There will be corresponding changes to the supporting text needed to ensure that the plan reads as a coherent development plan policy document.

The Neighbourhood Plan Policies

Policy EM1: East Meon Housing Allocations to 2032

The policy refers to permission being **granted** for approximately 15 new homes to be built in East Meon on 4/5 sites in East Meon. It states that this is to meet the

requirements of Policy SD23 of the emerging local plan. However, that draft South Downs policy refers to the **allocation** of sites in East Meon to accommodate approximately 15 units in addition to windfalls, which are sites that come forward on non-allocated sites. I therefore need to recommend that the policy should specifically relate to the **allocation** of these sites. It is not appropriate to include particular reference to Policy SD23 of the Preferred Option Version of the draft Local Plan in the wording of the policy. The issue is that this policy could change as the local plan goes through further rounds of public consultation and scrutiny at public examination and to include it in the neighbourhood plan would confer development plan status to what is an emerging policy.

In terms of meeting the strategic requirements of the *adopted* local plan, the requirement is for the village to contribute to the figures set out for “other villages in the National Park” which is that a **minimum** of 100 dwellings. I have to conclude whether the number of new homes being promoted, is an appropriate figure, particularly in regard to the basic conditions test of whether the housing policies will deliver *sustainable development*. Paragraph 009 (Reference ID– 41–0 09–20160211) of the Planning Practice Guidance states that evidence in informing the emerging local plan could be relevant. That can refer to meeting a housing need, but it could also have regard to the landscape capacity of a settlement, which is particularly important in a National Park context. I note that East Meon is one of eight East Hampshire villages that has a proposed housing allocation number. I consider the overall scale of development being considered is a realistic contribution to the requirements set out in Policy CP10 of the adopted Joint Core Strategy.

Again, the requirements in Policy CP10 is for a **minimum** of 100 dwellings to be allocated. That policy also allows planning permission to be granted for developments inside settlement boundaries subject to meeting the necessary tests of maintaining and enhancing the character of the village and quality-of-life. To not allow development on non-allocated sites would fail one of the basic condition tests, namely the delivery of sustainable development.

I note that the policy allocates four sites with maximum levels of development on each site. In this case, it allows a **maximum** of 17 dwellings to be built. However, schemes could comply with policy yet this could lead to a situation where the overall housing requirements could not be met. In line with the requirements of Policy CP10 I will refer to the allocation of a **minimum** of 15 dwellings to be built within the plan period. Windfall sites can then provide additional homes.

I do not consider that it is appropriate for a policy dealing with the overall level of housing allocations, to be setting **maximum** levels of development on individual sites. The quantum of development would be better left to individual policies dealing with the allocation of specific sites. I also consider that the use of the site references to be

unnecessary for the final version of the plan. These may have been useful for site identification in earlier versions of the plan and through their assessment but are unnecessary.

Recommendations

Replace the policy wording with:

“This neighbourhood plan allocates for residential development the following sites, as shown on the Proposals Map, to provide for a minimum of 15 new homes, to be built within the period 2016 -32, in accordance with the site-specific policies for each site.

- Garages site off Hill View
- Land south of Coombe Road opposite Kew Meadows and Coombe Road
- Land north of Coombe Road between Garston Farm and Garston Farm Cottages.”

Policy EM2 The Settlement Policy Boundary

The plan proposes a tightening of the settlement boundary. The revisions have been guided by the South Downs Settlement Boundary Review: Methodology Paper published in September 2015. The issue that presents itself is how to treat the allocation sites. By their identification in the plan, they are planned excursions outside the current boundary. Once built it would not make sense for these developments to be covered by the countryside policies, which cover the areas outside settlement boundaries. As the plan concedes that it is appropriate that these sites should be developed for housing, then it is appropriate that they should be included within the settlement boundary of the village. I will therefore be proposing Figure 2 to be amended to include the two proposed housing sites as being within a settlement boundary. In the case of the development shown as B3/B4, I will follow the recommendation of SDNPA to include within the extended settlement boundary, the properties between the existing boundary and the allocation site, which will include the buildings on the 3 intervening sites but excluding the large gardens of the two semi-detached properties adjoining the allocation site. In terms of the site on the south side of Coombe Road, this is a straightforward extension. The third allocation site is already within the settlement boundary. If the Plan had promoted these two sites as ‘exception sites’ as allowed for by Core Strategy CP 14 then the current settlement boundary could be retained, as proposed.

In terms of the wording of policy, it is not necessary to define sustainable development as proposals that comply with the adopted plans and national policy because the definition of sustainable development as set out in the NPPF is based on the primacy of the plan lead system and the policies in the Framework “taken as a whole”.

The proposal dealing with land outside the settlement boundary now no longer need

to refer to the allocation sites as I am proposing to move them to within the settlement boundary. To be consistent I will recommend the removal of reference to the emerging local plan but substitute reference to Core Strategy Policy CP19 which deals with development in the countryside.

Recommendations

Amend Figure 2 to include the two allocation sites within the settlement boundary, including the 3 intervening houses between the site of B3/B4 but excluding their large gardens of the semi-detached houses.

Remove from the wording of the policy “sustainable” before “development” and “the saved policies of the East Hampshire Local Plan 2006 and the South Downs Local Plan “

In the second sentence replace all text after “apart from” and replace it with “proposals that comply with Policy CP19 of the East Hampshire Local Plan Joint Core Strategy. “

Policy EM3 Size of dwelling

The policy is evidence based, following the findings of the housing needs survey. It is consistent with Policy CP11 of the Joint Core Strategy and Section 6 of the NPPF entitled “Delivering a wide choice of high-quality homes”. I believe this policy will help rebalance the housing stock in the village. No changes are required to the policy, apart from naming the site which is coded A3, so as to be consistent.

Recommendation

Replace “site A3” with “Garages site off Hill View”.

Policy EM4 Allocation of Affordable housing

My concern with this policy is that it goes beyond what plan policy can ordinarily achieve through being a “policy of use and development of land” and extends into the realm of a district council’s housing allocation policy. Whilst it is appropriate for planning policy in national parks to be focused on meeting local need, the neighbourhood plan is not proposing any restrictions on the occupation of open market houses, just the restriction on the tenancy of affordable homes.

The joint response to my concerns, set out in the Initial Comments document suggest that Policy EM4 could be replaced by a policy, suitably modified, as used in the made Petersfield Neighbourhood Plan. The South Downs National Park’s policy with regard to local occupancy conditions is changing from that set out at the Preferred Option stage which deals with ensuring local needs are met. I can only give this committee report’s recommendation limited weight as it has not been the subject of public

consultation or examination. I will be proposing the adoption of the policy based on the Petersfield Plan wording, duly amended to refer to East Meon Parish.

Recommendation

Replace the policy with:

“The eligibility for affordable housing will be administered by EHDC as the Housing Authority. The definition of local need is therefore laid down by Hampshire Home Choice Service’s Allocation Framework. However, priority will be given to people who can demonstrate a local connection to the parish of East Meon in the first place.

Policy EM5 Protection of Valued Views

The starting point for the policy is the recognition that the landscape quality of the plan area is of the very highest level which stands comparison with the best landscapes in all the National Parks. It is no coincidence that East Meon is used on the cover of the Government’s National Park Circular

The title policy is seeking to protect valued views. Whilst the enjoyment of the views is an important element in terms of how the landscape is experienced and appreciated it is the protection of the landscape as a whole that is of importance and is one of the underlying purposes of a National Park.

However, I equally consider that recognising valued views is important but the supporting text identifies a number of valued views into and out of the village. However, the document caveated that the valued views will not be limited to those identified. For a policy to be used with confidence by decision makers in the development management process, referring to undefined designations is not helpful. It is not appropriate for policy to refer to a list of views that is not conclusive. An applicant should know whether particular view is material to the determination of the planning application. I accordingly requested the Qualifying Body to provide me with a map identifying what it considers the significant views that it wished to be protected by the policy. That plan setting out the key views will be inserted through my proposed recommendations. A representation covering this policy has been made by Historic England, who have suggested some amended wording to improve the clarity of the policy and I propose to adopt the suggested changes, in my recommendations.

Recommendations

Insert into the plan and number accordingly, the “Map showing important views relating to the Settlement of East Meon” as set out in Appendix 2 of the QB’s response to my Initial Comments.

In the first sentence insert “access to and the character of the “after “diminution of” and insert “shown on Figure X”. Delete “that currently provide open aspects or views both” after “significant views” plus “and outside”

In the second sentence insert “the” before and “character” after “landscape” and insert a full stop after “views” and delete “in” before “particular”

In a) delete at the start “landmark” and “to and” and insert “recognised” before “viewpoints” and insert after “destinations” “that contribute to the cultural value of the South Downs National Park and its attractiveness for local people and visitors”

In b) Delete “from publically accessible areas, which are within, to and from settlements” and insert at end “and appreciation of its natural and cultural heritage and that contributes to its special qualities”

In d) delete the first sentence.

Insert before the final paragraph, the following new paragraph:

“Proposals will be assessed based on how they will affect the contribution of the characteristic elements of these views including the pleasing balance between the downs, fields, hedges, woods and isolated trees, the course of the River Meon, the farms and then the buildings and open spaces which make up the village itself.”

Policy EM6 Layout and form

As written, this policy covers all new buildings within the parish. However, the Pattern Book upon which it is based, only refers to the land within the settlement boundary and the allocated development sites. I do not consider the guidance would be relevant to development that takes place beyond the village centre. I therefore propose an amendment to limit its coverage to that within or adjacent to the settlement boundaries.

I am satisfied that the design policies have been based on a thorough understanding of the character and structure of the settlement. Apart from revisions referred to above, I do not need to make any further recommendations to comply with the basic conditions test.

Recommendations

Insert after “All new buildings” the following wording “within the settlement boundary”.

Policy EM7 Building Materiality and Detailing

I have checked in a number of dictionaries for definitions of “materiality’ and none correspond to the context within which it is being used in the title of this policy. For the

sake of clarity, I propose to change the title of the policy to “Building materials and detailing”

From my site visit I appreciate that the policy reflects the characteristics of buildings within the plan area. I do have concerns, that in particular the proposed roofing materials suggested, would not necessarily be appropriate for new agricultural buildings which have much larger spans which will make the suitability of thatch, clay plain tiles or slate, unsuitable. I therefore propose to exclude large agricultural buildings from the policy.

I note in the first paragraph the policy imposes an absolute requirement through the use of “will” whilst the second paragraph uses “should”. I believe it is important to be consistent and I have not seen any justification for a difference so I will be recommending the use of “should” in both cases, so as to offer some degree of flexibility to the decision maker.

I found that the language related to metal windows to lack precision and having regard to the high-quality of the conservation area, it opens up the possibility of consent being given for what could be inappropriate materials in sensitive locations. I propose to add at the end of the first sentence of the second paragraph “in appropriate circumstances, where it does not adversely affect the special character of the building or the surrounding area”.

Equally I do not consider that the inappropriate use of large windows and doors can be justified on the basis of thermal performance if it is damaging to the building or the character of the area. To follow the logic of this concession to thermal performance, could be particularly damaging to vulnerable properties in the conservation area.

Recommendations

Change title of policy to “Building Materials and detailing”.

Insert after “new buildings” “apart from large agricultural buildings”.

In the first paragraph replace “will” with “should”.

At the end of the first sentence of the second paragraph insert “in appropriate circumstances where it does not adversely affect the special character of the building or the surrounding area”.

In the final sentence, delete everything after “disposition”.

Policy EM8 Outbuildings and enclosure

There is an inconsistency in the plan between the absolute requirement for new dwellings to have enclosed front garden areas, at the same time as Policy EM6 allows “clusters” of buildings. Indeed, I would point out that number of indicative layouts

referred to in the site allocation policies show layouts without front gardens. I propose to remove that requirement.

Recommendations

Delete “front and” in first sentence.

Policy EM9 Extensions and alterations policy

My concern regarding this policy is the requirement for a proposal for an alteration or extension to all properties to have to demonstrate that the design has had regard to the Pattern Book and the older Village Design Statement. This is the type of information which in the past would have been incorporated into an application’s Design and Access Statement. However, since 2015 these are no longer required for alterations and extensions by the Town and Country Planning (Development Management Procedure) Order and to introduce a requirement by way of a neighbourhood plan policy would be too onerous a requirement. Furthermore, I can envisage cases of domestic extensions to some of the more recent developments in the village, where there will be little practical benefit. I propose to delete everything after the first sentence of the policy and the main text can be moved to the supporting paragraphs.

Recommendations

Delete all wording after the first sentence and move to supporting text.

Policy EM10 Local Green Spaces

There is contained within the policy itself, the justification for the policy – that “these have been found to be demonstrably special to the community through consultation”. The policy then goes beyond by appearing to make clear how the local planning authority should assess “very special circumstances”. I believe that this goes beyond the requirements as set out in paragraph 76 and is unnecessary. It is a judgement for the decision maker to determine whether very special circumstances exist. I will adopt the suggested alteration put forward by Southern Water as they have specific requirements regarding the siting of their infrastructure.

Recommendations

Delete the second sentence of the policy

Insert in the third sentence after “very special circumstances” the following “for example where it is essential to meet specific necessary utility infrastructure needs and no feasible alternative site is available”.

Delete the remainder of the policy and move it to the supporting text.

Policy EM11 Retention of Community Uses

I have no comments to make, except that the list of the community uses should be set out in the policy itself rather than the supporting text. The Parish Council should consider whether the listing of some of the uses such as the village shop and the two village pubs could be strengthened by making an application for their registration as assets of community value.

It is not clear whether it is necessary to for an application to have to comply with just one of the three criteria or all of them. The latter case is not considered to apply as the first criterion covers where there is no need for the type of facility and the second one covers a situation where better replacement facilities are being provided. I will recommend that “or” be inserted after each criterion.

Recommendations

Insert “the following” before “key buildings” and delete “as listed above”.

Insert “or” at the end of criteria a) and b).

Insert list of community and recreational facilities as listed in 4.39 after c).

Policy EM12 Sewerage and drainage

I am very conscious of the comments of Southern Water and the Environment Agency, who are concerned that the policy appears to promote private on-site treatment, which would be unlikely to be given consent. The wording could be strengthened to stress that the first preference will always be a connection to the existing sewerage system, and only if there is not feasible, then a private on site-specific solution could be considered, if it meets relevant regulations, not just planning regulations. This is in line with the Southern Water suggested wording at Regulation 16 stage.

Recommendations

Delete, in the second paragraph “either a) and “or b)” and “planning”.

Policy EM13 Surface Water Management

My only concern regarding this policy is the requirement that “any planning permission for new development will be subject to a condition”. I am aware that the wording was proposed by Hampshire County Council at Regulation 14 stage. There will be some other developments where it would not be necessary to require surface water drainage systems e.g. installation of a new shopfront. This possibility can be covered by introducing caveat “where it is appropriate” at the start of the policy.

Recommendations

Insert “Where it is appropriate” before “new development”

Policy EM14 Site A3: Land at Hillview

I believe the redevelopment of the garage court is an appropriate site for a small residential infill development. The site is well within the settlement boundary, where there is general presumption in favour of residential development. I note that the site is owned by Radian Housing and it may well be their intentions to develop the site for affordable housing and for social rent in particular. However, there is no planning policy requirement that would limit the new homes’ occupation to social housing only, as would be the case if this was an exception site, outside the settlement boundary.

The policy places a requirement to provide replacement parking or storage for East Meon residents. This is an unreasonable requirement, as the right to use these garages is essentially a contractual matter between the landlord and the tenant, rather than being a matter for planning policy. There will, for example, often be release clauses in leases allowing tenancies to be terminated under various scenarios and it is an unreasonable obligation to place on the developer, which potentially could prevent the delivery of much needed housing, should replacement off street parking not be available on land within the applicant’s control. I also noted that the Parish Council at Reg 14 responses suggested that the garages were too small for modern cars.

My final concern relates to the proposal in the policy to remove permitted development rights. All the allocation policies in the plan includes such a requirement and accordingly I will address this matter at this juncture, however my comments are relevant to all the allocation sites. Government advice on such conditions is very clear. It states in the Planning Practice Guidance that “such conditions will rarely pass the test of necessity and should only be used in exceptional circumstances.” The East Meon Plan justifies the policy on the following basis - “to ensure that dwellings remain appropriate to their location” but this rationale does not go close to justifying it as reasonable or necessary under the exceptional circumstances test. If such a condition is required as a result of the particular design or relationship then the condition could be imposed at the development management stage in response to a specific development rather than being imposed as a policy requirement. If the Local Planning Authority wishes to restrict permitted development rights then it has the ability to serve an Article 4 Direction (PPG Para 017, Ref ID 21a– 017–20140306)

Recommendations

Retitle policy “Garages Site off Hill View”

Delete the second criterion

Delete the eighth criterion

Delete the final criterion.

Policy EM15 Land at B3/B 4 Coombe Road

I am concerned that this allocation covers two sites which implies that the sites could be delivered independently. I appreciate the land is in separate ownership and were initially promoted separately, but for the purpose of the allocation it should be treated as a single site.

I do not consider that is appropriate to refer to a *maximum* of 4 dwellings to be built as it could allow the erection of a single dwelling on the site, which would comply with the policy and by adopting this approach throughout the Parish, could mean that the plan as a whole, could fail to deliver its overall housing requirement. I propose to refer to the site comprising a *minimum* of four units, as it would be possible for a scheme to come forward with a different mix, say for 4 two bed units and 2 three bed units and indeed such a scheme could deliver affordable housing benefits.

The comments regarding permitted development equally apply. The final criterion is also unnecessary as it is not a policy requirement as future applications would have to be considered on their own merits. Such a condition can only be applied if it passed all the six tests that planning conditions are required to pass, at the application stage. The policy also requires the development to take place before 2025. I can see no justification why permission should not be granted for development later in the planning period and I therefore propose to remove the requirement to include a phasing condition.

Recommendations

Retitle policy "Land north of Coombe Road between Garston Farm and Garston Farm Cottages.

Delete all text up to the semicolon and insert "This land is allocated for at least 4 dwellings;"

Delete the final two criteria.

Policy EM16 Land at B2 (South of Coombe Road)

Again, my comments regarding the quoting of maximum levels of development on this allocation site equally apply to this policy. Indeed, the proposal in the Plan for a maximum of 6 units on a 0.43-hectare site, only equates to a density of 14 dwellings per hectare, or 5.67 units per acre, which is a very low density, especially bearing in mind that the allocation is for only two and three bed houses. National policy set out in the NPPF, in paragraph 58, states that planning policy and decisions should aim to ensure that developments optimise the potential of the site to accommodate development. I do appreciate the sensitivity of the site on the edge of the village where

there are special screening requirements, particularly with regard to land to the south. It does strike me that this is an artificially low figure bearing in mind the size of the development site being allocated. It may have been appropriate for an allocation for this number of units to have covered a smaller piece of land.

In view of my conclusions in respect of the next site covered by Policy EM17, I am satisfied that the plot is of sufficient size to accommodate another 5 small units, contained within another cluster, along what is a long frontage to Coombe Road. I am aware that the existing development along the opposite side of Coombe Road has the same amount of frontage development as I am proposing but in a linear configuration, which convinces me that a higher level of development could be achieved on this size of site with a cluster formation. I know that the plan has community support for smaller scale development, but I do not see that this aspiration would be significantly undermined by a development which could be designed to be in two clusters of 6 and 5 units (in accordance with Policy EM6), with two accesses. The other benefit of having a development of over 10 units is that it would trigger a requirement for much needed on site affordable housing to be provided for the village. The Parish Council has provided me with the attached illustrative layout which can be inserted into the plan. This shows a footpath running parallel to Coombe Road from the west end of the site to link with footpath 7b. I consider that this can be added to my recommendation as it had been included in the supporting text in the Submission Version of the plan and I understand its omission as a criterion was an error, which I can correct.



It is not a reasonable requirement for a development to have to solve existing drainage problems including highway flooding before development can take place although I recognise that this could be an additional benefit if it can be achieved. The normal expectation is that the development should cater for its own drainage requirements and not accentuate existing flooding problems. National advice in the Planning Practice Guidance in Para 050 (Ref ID 7-050-2014 03 06) states that “Local authorities and developers should seek opportunities to reduce the overall level of risk

in the area and beyond. This can be achieved... where appropriate through offsite works required to protect and support development in ways that benefit the area more generally” Whilst it would be wrong to prevent the development of homes on the site unless it solves existing problems, clearly there would be a benefit if the developer could be encouraged to come up with a drainage solutions that addresses both its own site requirements and which also improvements upon the current situation. I propose to introduce the caveat that finding of the solution to existing problems if it is “practical and feasible”.

The policy includes a requirement that the site owner must “implement a covenant not to build on land to the south of the application site except with the agreement of Parish Council”. Clearly it is open for the landowner to offer such reassurance but that should not be a requirement of the planning policy, so as to make the allocation acceptable. Such a covenant could only be offered as a material consideration by way of a planning obligation under Section 106 of the Town and Country Planning Act. Under the terms of the Community Infrastructure Levy Regulations 2010, and having regard to national policy set out in paragraph 204 of the NPPF, a planning obligation can only be taken into account in granting planning permission, if it is *necessary* to make the development acceptable in planning terms, is directly *related* to the development and be fairly and reasonably related in scale and kind to the development. I do not consider such a requirement is *necessary* to have the covenant in place so as to make the residential development on this site, acceptable. The land to the south of the allocation site will lie outside the settlement boundary, it is within a National Park and is already protected by Policy CP19 of the Joint Core Strategy and also by Policy EM2 of this plan.

My final issue with this allocation relates facing an obligation on the landowner to be responsible for the maintenance of the scheme mitigation in perpetuity. The policy is not clear whether the landowner is the landowner at the time the preparation of this neighbourhood plan, or at the time of the planning application or indeed the freehold owner of the residential property once the schemes built. The matter can be settled by removing the requirement to be placed on the landowner and allow details to be submitted at the planning application stage.

Recommendations

Retitle policy “Land south of Coombe Road”

Delete all text up to the semicolon and insert “This land is allocated for 11 dwellings;”

In the first criterion delete “accord with the indicative layout shown above in a cluster formation” and insert “comprise two clusters of 6 and 5 dwellings respectively, each served by their own access from Coombe Road with a visibility splay of 2.4m x 40m as shown on the revised illustrative layout.”

John Slater Planning Ltd

In the second criterion replace “comprise 3x 3 bed and 3x2 bed” with “comply with Policy EM4”

Delete criterion 7

In criterion 8, add “if practical and feasible” before “alleviate”

Delete criterion 11 and 12

In criterion 13 delete “by the landowner”.

Insert an additional criterion “Prior to the occupation of any of the dwellings a public footway shall be constructed along the frontage of the site with Coombe Road from the west end of the site to link with footpath 7b as shown on the illustrative plan”

Policy EM17 Land at B9 (Corner of Coombe Road)

This allocation has been one that has caused me the greatest concern of all the allocation sites, particularly with regard to the proposed access. It has also been a site that has attracted high levels of public opposition, especially as it has emerged as a preferred site late in the process. The problems stem from the difference in levels between the land which is the allocation site and road level on the bend of Coombe Road. This difference in level would result in a very steep access driveway, which will emerge on the corner of the road. I have in mind the safety and ease of use by vehicular traffic, but also by persons accessing the site on foot or by mobility aids.

Following my visit to the site, which initially raised my worries, I felt it important to ascertain the views of the County Highway Authority, as I did not consider it appropriate to be allocating land to meet the village’s housing requirements on a site where a safe and convenient access could not be achieved. I have now been provided with the correspondence between the site owners’ planning consultants and an Assistant Transport Planner within the County Highways team. This confirms that Hampshire County Council has no in-principle objections to the proposed access. However, closer examination of the correspondence reveals that a number of matters will need to be properly addressed, which have influenced my conclusions on the acceptability of the allocation. Firstly, the indicative drawing shown in Figure 8 is too short a length to cope with the change in levels. The landowners’ planning consultants have now prepared an alternative alignment that moves the access to the north and now incorporates a greater length on a curved configuration.

Other matters that will need to be addressed to satisfy the County Highway Department at detailed design stage is that there needs to be a means of intercepting surface water runoff from the new access road and its disposal on land within the applicant’s control. The Highway Authority have said that the plan will need a flat dwell area at the bottom of the slope. They comment that there is a potential for freezing during bad weather, which will be exacerbated by overhanging tree branches

preventing light reaching the carriageway. The overhanging trees create a dark area at both the bend and where the new access is proposed. This may require the upgrading of the street lighting and tree pruning / removal. The final comments of the County Highways are that the carriageway is narrow at the location of the proposed access, with evidence of vehicles overrunning the verge. This may require widening of the carriageway to deal with this problem and particularly the large vehicles required for construction. A matter that was not raised by the Highway Authority's comments but which is a matter that has occurred to me in my assessment, is whether refuse trucks or indeed service vehicles, would be expected to enter the site or be able to turn so as to enter or leave the site in a forward gear or whether it would be safe for residents to negotiate their wheelie bins down this steep slope and locate all the refuse and recyclable containers for the 5 houses at the edge of the carriageway on the bend in the road, which is close to the school.

The ramifications of these matters, which are highlighted by the County Highway Authority so that a safe and convenient access can be provided, are far reaching and wide ranging. It could require a widening of Coombe Road at the bend, it may require the street lighting to be up graded and also trees on the embankment to be removed. My fear is that collectively this could have a very urbanising effect upon a part of the village, that is still essentially rural in its character.

This proposal is for the site to deliver 5 dwellings, 2-3 bed houses and 3 -2bedhouses. However, the Plan is allocating the site for development in the second phase of the Plan period, 2025-32. In my Initial Comments, I commented that I needed to understand the reason that the site is allocated for the final plan period, for example was there a reason of infrastructure delivery. The reason given by the Qualifying Body, was that it was put in the second half of the Plan period to limit disturbance due to the other allocations in the immediate vicinity, especially so close to the village school. I do not find that a convincing reason for the proposed phasing.

The policy requires compliance with 12 criteria, some of which are required to provide information regarding the extent of the engineering works associated with the access. However, I do not need to consider these in detail as I need first to be satisfied of the principle of the site's allocation. My conclusions must be restricted to matters related to the basic conditions tests. In that regard, I particularly have had regard to the Secretary of State guidance provided in the NPPF as to assessing the acceptability of the proposal. Paragraph 58 of the NPPF requires a development to "function well and add to the overall quality of the area". Furthermore Paragraph 32 states that "plans and decisions should take account of whether.... safe and *suitable access to the site can be achieved for all people*" (my emphasis).

I am very conscious that the Highway Authority has stated that it has no objections in principle to the access, but my concerns are wider and my concerns are that the implications of achieving an acceptable access are going to detrimentally affect the rural character of this important approach into the village centre. Also, whilst in terms

of vehicular traffic an acceptable access may be achievable, I do have concerns that the steepness of the gradient will make it difficult to negotiate the steepness of the access for persons with mobility difficulties.

I consider that these matters, are in my judgement, such that they cast doubt on whether the basic conditions in respect of this allocation are met and that the village's housing needs can be met by making better use of the development of the neighbourhood plan's other allocation sites, particularly the site covered by Policy EM16. I am conscious that my recommendation on the one hand, may please those people in the village who have opposed the allocation of this site but equally it may disappoint those who have promoted its development. However, I note that the owner of this site also owns the previous allocation site, which should be able to accommodate the development lost from this site.

Recommendations

That the policy be deleted.

The Referendum Area

If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Neighbourhood Plan as designated by the SDNPA, is the appropriate area for the Referendum to be held and the area for the referendum does not need to be extended.

Summary

East Meon is an extremely particularly attractive village set in stunning countryside. I can fully understand the importance attached to retaining the landscape setting of the settlement. My main conclusions have been summarised in the Neighbourhood Plan Overview section of this report.

I must congratulate the Steering Group and the Parish Council on having produced a high-quality neighbourhood plan, based a thorough understanding and analysis of East Meon and its landscape. They have grasped the nettle of making allocation decisions that some neighbourhood plans have ducked and whilst it may have at times seemed a divisive process, the proposals are based on objective consideration of all potential sites.

Finally, I am able to confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test.

John Slater Planning Ltd

I am therefore prepared to recommend to the South Downs National Park Authority that the East Meon Neighbourhood Development Plan, as modified by my recommendations, should now proceed to referendum

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

12th August 2017