

Sent by Email to: leavesnicholas@gmail.com

Telephone: 01636 655850

Email: planningpolicy@nsdc.info

Dr Nick Leaves
Chairman, Neighbourhood Planning Steering
Group
Bulcote Parish Council

Our ref:

24th October 2019

Dear Dr Leaves,

Response to the Submission Bulcote Neighbourhood Plan (NP)

Since designation of the Bulcote Neighbourhood Area in April 2018 this Council has been working closely with the Parish Council on the preparation of its Neighbourhood Plan (NP). Through its own organisation and motivation the Steering Group has progressed its plan to the point of submission in August 2019. Following receipt, we have considered the plan as a whole and in particular the ability to implement it as part of the Development Plan for the District. This followed the comments made by the District Council on the Pre-Submission Draft in May 2019 (enclosed). We are satisfied that the Plan is largely in accordance with the strategic elements of the Newark & Sherwood Local Development Framework and could be implemented as part of it. We have however highlighted a small number of areas where it is considered that amendments remain necessary.

The following is the formal consultation response from Newark and Sherwood District Council, made under delegated powers from the Economic Development Committee.

NPP1

It is considered that criterion 2 requires amendment to bring it into line with the content around limited infilling in national Green Belt policy, which postdates the approach provided in the Amended Core Strategy. Suggested wording is provided below.

‘Development in the Green Belt should be consistent with Spatial Policy 4A and 4B of the Amended Core Strategy and relevant content within the National Planning Policy Framework. Given the importance of open spaces and Local Green Space to the character of the village their loss to limited infill development (as defined within the NPPF) would not be supported. These open spaces are defined through the Bulcote Conservation Area Appraisal (2001) and on Map 17 of this Plan.’

NPP2

Views and Vistas content:

This is an area where the Council still has some concern, and consistent with its position on similar policies in Neighbourhood Plans elsewhere in the District it is important to maintain a distinction between what constitutes a 'view' and 'vista'. Whilst part of villages and/or landscape features may be visible from particular locations a strong evidence base is necessary to support their identification as important 'views' in a planning sense. We would take a 'view' to be the result of deliberate decisions (for instance through the design and location of development) and so meriting protection on that basis. Where an evidence base shows a planned/intended view of a key landmark building or feature then this may be worth identifying individually. However in order to be effective this would require clear identification of where the view is available from, its extent (distance and depth etc.), its importance (in a way which allows significance to be properly understood and potential impacts assessed) and the ability for impact to be considered in a measurable way.

The key objective should be to arrive at a policy which proves to be consistently implementable from a Development Management perspective, and we maintain our previous concerns in this regard. As elsewhere the Council is of the view that this type of policy should be tightly defined and well evidenced, ideally focussing on a few core vistas of importance. 'Key village views' have been identified on Map 15. Key village views 1,2,4,5,6,7 and 8 overlap with 'significant views' identified in the Conservation Area Appraisal (2001) and so their merits are not questioned. However the basis for identification of key village view 3 does not appear to be as clearly evidenced. Whilst it is accepted that the area is of pleasant character (as evidenced by the information in Appendix C of the Plan and the Design Guide) the brief commentary in Appendix C suggests that it has been identified due to the importance and character of the Open Space. Given that the Conservation Area Appraisal has defined it as a 'significant open space' and the Plan proposes its designation as a Local Green Space it is considered that this provides ample protection from a character perspective, and that its additional identification as a key village view has not been robustly justified.

In addition there are a further eight broader viewpoints identified on the figure at page 39 of the Design Guide (Appendix F to the Plan) which would be covered by the Policy. Whilst a commentary has been provided (page 40 of the Design Guide) it is not considered that this provides sufficient information to allow for the proper implementation of this aspect the policy. For instance no precise guidance is provided over the likely extent and depth of the views, making effective and consistent implementation extremely difficult. Notwithstanding this were this aspect of the policy to be retained then it is suggested that the mapping should be included as a figure within the main body of the Plan, in order to avoid any confusion over the status of the viewpoints.

Non-Views and Vistas content:

The amendments seeking to address the Councils previous concerns (made against what was criterion 5 are welcomed). However it is not considered to be clear how criteria 3 and 4 will function in conjunction with one another. Criteria 3 sets out the position that net loss of biodiversity will not be accepted (in what can only be taken to be in all circumstances), but criteria 4 is based around a graduated approach to significance. Taken in conjunction with one another this aspect of the policy is inconsistent, and potentially fails to reflect the graduated approach to

significance present in Core Policy 12 and Policy DM7 of the Development Plan and paragraph 170 of the NPPF. This also extends to criteria 6.

The exemption of 'householder extensions' to the forms of development caught by criteria 5 is supported, but it is suggested that this should more appropriately refer to 'householder development' to avoid disproportionately catching other forms of minor development requiring permission.

Criterion 9 is not viewed as representing a proportionate approach, particularly where the trees are without significance. The replacement ratio also appears somewhat arbitrary, the basis of which is questioned. Accordingly the Council maintains its previous objection.

NPP3

The Council has previously raised concerns over the use of blanket requirements to demonstrate, and suggested that this could place too heavy a burden on applications for modest forms of development. Whereby it will be clear from the details of the scheme whether policy objectives have been met or not. Criterion 2 could be read as suggesting that some form of additional demonstration beyond this is required. It is therefore suggested that this be amended to detail that 'proposals adhering to the future management principles.... will be supported'.

NPP4

The Plan seeks to designate 4 areas as Local Green Space – and the merits of 1,2 and 3 are not questioned. Local Green Space 4 is however located in close proximity to the Model Farm, where there are a number of pending applications seeking consent for its redevelopment (15/00784/FULM, 17/02325/FULM and 15/00785/LBC). Mindful of this the Council has therefore considered the fourth proposed Local Green Space within this context.

The area proposed for designation as the Local Green Space appears to intrude into the red line boundary of the most recent application (17/02325/FULM), though this is not entirely clear and so more precise mapping ought to be provided. The suitability of the redevelopment proposals are yet to be determined, and will turn on a number of issues- not least Green Belt and heritage considerations. Nonetheless as presently defined the Local Green Space could act as a constraint on the pending redevelopment scheme for the Model Farm, and risk securing the future conservation of the heritage asset. The proposals are advanced in nature, and it is anticipated that they will be determined within the year, or early in the New Year. Given this context the Council objects to the designation of Local Green Space 4.

NPP5

The final sentence of criterion six is not considered to be consistent with national policy in respect to how 'harm' is addressed, particularly with respect to proposals incorporating enabling development (paragraph 202 of the NPPF). This has particular relevance in this case, given the pending applications concerning the Grade 2 Listed Bulcote Farm Buildings. Once harm has been established it is not a matter of this needing to be weighed – the harm in itself represents a conflict with policy. In line with paragraph 202 of the Framework the judgement needs to be one of whether the benefits from development occurring outweigh the disbenefits from departing from policy. It is therefore recommended that the last sentence be removed from the criterion.

NPP8

It is noted that the Plan would provide support for the redevelopment of the former Tall Trees Garden Centre for employment uses. Whilst NPP8 falls short of a formal site allocation this should be made clearer. Any site allocation would, in-line with content in the Planning Practice Guidance, need to be based on a robust appraisal of options and assessment of sites against clearly identified criteria. Whilst the construction of new buildings within the Green Belt is considered inappropriate development an exception (paragraph 145 in the NPPF) is made for the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings). Subject to there being no greater impact on the openness of the Green Belt than the existing development. There is also the matter of the scale and form of redevelopment needing to be consistent with the Spatial Strategy (as defined mainly through Spatial Policy 1 and 2 within the Amended Core Strategy). Given these tight policy constraints it is suggested that the policy ought to provide more explicit guidance over the circumstances in which support would be provided. Amended wording is provided below.

‘Whilst not representing a formal site allocation, proposals for the redevelopment of the previously developed land at the former Tall Trees Garden Centre (see map 19) for employment uses will be supported. The scale and form of redevelopment will however need to be consistent with local and national Green Belt policy, and the Spatial Strategy set through the Amended Core Strategy. In addition redevelopment schemes should also reflect high quality design and satisfy other relevant local and national planning policy as appropriate.’

Yours sincerely

A handwritten signature in black ink that reads "Matthew Tubb". The signature is written in a cursive style with a large initial 'M'.

Matthew Tubb
Senior Planner (Policy)