

Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Peterstow Neighbourhood Area
Parish Council	Peterstow Parish Council
Draft Consultation period (Reg14)	25 November 2017 to 21 January 2018
Submission consultation period (Reg16)	25 April to 6 June 2018

Determination

Is the organisation making the area application the relevant body under section 61G (2) of the 1990 Act		Yes
Are all the relevant documentation included within the submission <ul style="list-style-type: none"> • Map showing the area • The Neighbourhood Plan • Consultation Statement • SEA/HRA • Basic Condition statement 	Reg15	Yes
Does the plan meet the definition of a NDP - 'a plan which sets out policies in relation to the development use of land in the whole or any part of a particular neighbourhood area specified in the plan'	Localism Act 38A (2)	Yes
Does the plan specify the period for which it is to have effect?	2004 Act 38B (1and 2)	Yes
Are any 'excluded development' included? <ul style="list-style-type: none"> • County matter • Any operation relating to waste development 	1990 61K / Schedule 1	No

<ul style="list-style-type: none"> National infrastructure project 		
Does it relation to only one neighbourhood area?	2004 Act 38B (1and 2)	Yes
Have the parish council undertaken the correct procedures in relation to consultation under Reg14?		Yes
<p>Is this a repeat proposal?</p> <ul style="list-style-type: none"> Has an proposal been refused in the last 2 years or Has a referendum relating to a similar proposal had been held and No significant change in national or local strategic policies since the refusal or referendum. 	Schedule 4B para 5	No

Summary of comments received during submission consultation

Please note below are summaries of the response received during the submission consultation. Full copies of the representations will be sent to the examiner in due course.

<p>Herefordshire Council</p> <p>Strategic Planning</p> <p>LATE</p>	<p>Strategic Planning have confirmed the plan is in full conformity with the Core Strategy. The full comments can be reviewed in appendix 1.</p>
<p>Herefordshire Council</p> <p>Landscape</p>	<p>Please find attached my landscape comments relating to Peterstow NDP:</p> <p>Paragraph 2.17 spelling error with <i>Principal</i> Settled Farmlands</p> <p>Reword the sentence to state <i>Management guidelines set out this landscape type should accommodate....</i></p> <p>Paragraph 3.3 Herefordshire Council's <i>Landscape</i> Character Assessment</p> <p>Policy PTS2 Spelling error <i>Principal</i> Settled Farmlands</p>
<p>Herefordshire Council</p> <p>Environmental Health</p>	<p>From a noise and nuisance perspective our department has no comments to make regarding this neighbourhood plan proposal.</p>
<p>Herefordshire Council</p> <p>Transportation</p> <p>LATE</p>	<p>Comments on PTS9: Section C, after pedestrian friendly add wording "and cyclist".</p>

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Coal Authority	No specific comments to make on it.
Wye Valley AONB	<p>Welcomes the Peterstow NDP and the overall recognition of the AONB designation.</p> <p>Highlights importance of National Policy, The Core Strategy and Herefordshire Landscape Character Assessment Supplementary Planning Guidance should be considered in the NDP.</p> <p>Proposed several amendments to policy wording on PTS1, PTS2, PTS5, PTS8, PTS9 and PTS17.</p>
Welsh Water	No further comment to make at this time.
Historic England	<p>Our previous general Regulation 14 comments remain entirely relevant, that is:</p> <p><i>"Historic England is supportive of the Vision and objectives set out in the Plan and the content of the document. In particular we commend the emphasis on local distinctiveness and the maintenance of historic rural character including heritage assets, historic farmsteads and archaeological remains".</i></p> <p>Overall the plan reads as a well-considered and concise document which we consider takes a suitably proportionate approach to the historic environment of the Parish.</p>
National Grid	<p>National Grid has identified the following high pressure gas pipelines as falling within the Neighbourhood area boundary:</p> <ul style="list-style-type: none"> <input type="checkbox"/> FM02 - Wormington to Treaddow <input type="checkbox"/> FM28 - Three Cocks to Tirley PRI <p>From the consultation information provided, the above pipelines do not interact with any of the proposed development sites.</p>
Natural England	Does not have any specific comments on this Reg 16 stage one policy amendment of the draft neighbourhood plan.
CPRE	Thank you for your email, which I have forwarded to relevant volunteers.
Residents	
<p>Paul Smith agent on behalf of Andrew Jackson landowner</p> <p>Object</p>	<p>Mr Andrew Jackson owns land at the south-western edge of Peterstow which is the subject of a current planning application for the erection of one cottage and one bungalow.</p> <ul style="list-style-type: none"> • Supports Policy PTS12 - The meeting of the unmet need for new housing should be met through infilling and on small-scale sites adjoining the main built-up village area. The number of new housing permissible at Peterstow under the draft NDP should be increased and it has underestimated the minimum number of new houses required to meet even the minimum growth figure required under the Core Strategy. • Objects to the assumption that a "modest allowance" of only 7 dwellings is appropriate to the village and commensurate with its sustainability credentials. Peterstow is a sustainable location of the village straddling the A49 road corridor with good very accessibility by modes of transport other than the private car to reach full range of services and amenities.

	<ul style="list-style-type: none"> • The draft NDP has reached a need to provide for another 6 houses up to 2031 by including, amongst other things, 10 dwellings at the Yew Tree Residential Park site. It is reasonable for the draft NDP to take into account 'commitments' and planning permissions for new dwellings since 2011. However, in the case of these 10 units, they comprise lawful dwellings that preceded 2011 otherwise the Council would not have been justified to issue a Certificate for Existing Lawfulness in recognition of dwellings that have been lawful for at least ten years i.e. before 2011 and the NDP plan period. Consequently, the NDP significantly underestimates the number of new dwellings that should be found at Peterstow even if the proposed restricted housing strategy of the NDP were to be adopted. • Were a greater number of new dwellings to be facilitated in the draft NDP commensurate with the sustainable credentials of Peterstow in relative and absolute terms and/or the 10 dwellings at the residential park to be discounted as they should, there would be an outstanding need allocate more small sites for housing at the village • Objects to Policy PTS13: To meet this greater number of new housing in the most appropriate way, landowner considers that his land adjoining the south-west village boundary alongside a large modern housing scheme should be allocated for the erection of two or three dwellings under Policy PTS13. • The NDP should increase the number of new houses permissible at Peterstow commensurate with its sustainability credentials (see above for justification) the allocation of part or all of my client's land identified on the attached plan for housing under Policy PTS13 would increase this supply of village housing in an appropriate and acceptable way. • This suggested additional allocation of the client's site under Policy PST13 would result in a small-sized development in accordance with the objectives of paragraph 3.13 of the draft NDP, Option 2 and all draft Policies.
<p>Andrea Windsor Collins</p> <p>Object</p>	<p>Consider that the details of their S.H.E project should have been communicated to the parishioners at the regulation 14 stage when the information was sent prior to the 4 September 2017.</p> <p>As the steering committee failed to pass on this information to other parishioners, regard as a breach of its duty to be properly transparent.</p> <p>There is now, insufficient time to consult the parishioners before the regulation 16 stage has ended on the Smart Hydrogen economy project and the benefits.</p> <p>Request that the end of the regulation 16 process be postponed until 6th August 2018.</p>
<p>Richard Gardener</p> <p>Object</p>	<p>Wish to stand fully behind the content and request contained within Andrea Windsor Collins letter both in a personal capacity as a resident of the parish and a professional capacity as the designer of the plan for an eco-village based on solar and hydrogen technologies.</p>
<p>Allan James</p> <p>Resident</p> <p>Object</p>	<p>Peterstow Parish Council told the parishioners of Peterstow that it had taken in their concerns regarding the shop site being their number One site, and amended their final proposals, but it appears that they did not amend the plan and chose to totally ignore the parishioners considered views.</p> <p>There were 14 objections to the site and 1 in favour for the site. The objections covered the following subjects which made building on this site a non starter. 1 Environmental 2 Road Safety 3 Destroying a Heritage Site. 4 Sewage and Grey Water disposal 5 Increased Noise Pollution 6 Flooding of Neighbouring Properties.</p> <p>Furthermore the owner of the site applied for planning permission and received 19 objections and the Planning Permission was REFUSED. Most of the objections were raised by Public Bodies and Residents who had extensive knowledge in the fields of</p>

	<p>Planning and Building Regulations of such a site. It therefore seems bizarre that the development plan should go ahead not amended.</p> <p>I conclude the shop site should be barred from this and any other development plan until Peterstow has a bypass and mains drainage is brought to the village.</p>
<p>Anthony Wilson Resident Object</p>	<p>Object to the settlement boundary, it is not justified or explained in the text and believes it conflicts with policy PTS12 which defines land outside the boundary as "open countryside": peoples' gardens are by definition not "open countryside".</p> <p>Objects for residential development to be on small sites.</p> <p>This boundary includes many sites, large and small, which could physically accommodate new residential development. The Plan should consider these individually and make justified proposals for all of them as to their future use if the Plan is to fulfil its purpose of being a guide for future development.</p> <p>The Plan as submitted fails to do this concentrating as it does on the <u>availability</u> of sites rather than the <u>suitability</u> of sites.</p> <p>Housing need Paragraphs 3.7 and 3.8 of the Plan show that there is an anticipated over provision of housing of one unit. This means that there is no need for further residential provision at this stage of the Plan. However, it might be sensible if the Plan were to show where further residential development might take place when the need arises. This should follow the assessment of the suitability of all possible sites as mentioned above.</p> <p>Old High Town area Herefordshire Council recently refused planning application P180316/F for two dwellings. The first reason given was that it would extend development outside the established and historic settlement boundary. This could be considered as conflicting with the definition of land outside the boundary as "open countryside" as the land involved is not open countryside and is too small for agricultural use.(ref; PTS12)</p> <p>However, the land to the west of Old High Town is clearly "open countryside".</p> <p>In summary, there is clearly plenty of land within the village boundary for a considerable amount of development. There is therefore no need even to consider sites adjoining the boundary unless it can be shown that there is no land within the boundary that is suitable for development.</p>
<p>Paul Gibbons Resident Object</p>	<p>It has come to my attention that any new residential development should be in or adjacent to settlements and should be on 'small sites within the village' and not open countryside.</p> <p>The proposed Old Hightown Green development appears to be outside the village settlement 'open countryside'. The proposed Highgrove development also appears to be ' outside village settlement'.....in fact in a private garden.</p> <p>Does this not conflict with Policy PTS12? Were each of these landowners consulted on possible plans to build on their land prior to commencement of Neighbourhood Plan?</p> <p>Surely you would have to consult and have each property owners' agreement. Are you able to confirm dates this was obtained?</p> <p>It is my understanding that a two dwelling planning application (P180316/F) was recently turned down by Herefordshire Council on grounds that 'this would extend development outside established settlement boundary'.</p> <p>So surely the Old Hightown Green and Highgrove proposed sites would also be turned</p>

	<p>down by Herefordshire Council on these grounds.</p>
<p>David Darton Resident Object</p>	<p>Any development of land at Peterstow Stores/PO is wrong and dangerous. Wrong because it is in the middle of a Conservation Area within an AONB.</p> <p>It was refused earlier this year on danger grounds of access onto the A49 at point where there is a bend and incline in the road which makes visibility poor and this location has been the site of many road traffic accidents, several this year.</p> <p>We live across the main road from the site and have no walkway on our side and visitors including friends, family and trades persons would risk crossing the A49 into traffic leaving the site.</p> <p>Historic flooding with water ponding in the car park on heavy rainfall (the groundwater table is high).</p> <p>Please note that this site was not shown on the original NDP and never part of the original plan. The owner (who does not reside in the village) seems to be allowing the site to fall into neglect in the hope of some kind of development.</p> <p>As it has been refused on so many safety grounds by respected national bodies and authorities a line should be drawn under this so that the owner and parish council cannot keep pressing for development.</p>
<p>Anthony and Elizabeth Roberts Resident Object</p>	<p>Object to the allocation of 4 properties on the land amounting to 0.27ha at Peterstow shop, Policy PTS13: Housing Sites in Peterstow Village Table 2. Figure is misleading in terms of potential density and is in contravention of previous guidance given by Herefordshire Council in Outline Planning Permission DCSE2003/3710/O and Pre Planning Application advice 161383, both of which suggest that the site is suitable for no more than 2 properties.</p> <p>The NDP fails to recognise the Village Shop as a non-designated Heritage Asset and a building of Historic Significance (History of the Parish section 2.14). In response to Planning Application P174522 Historic England made the following comments regarding the village shop:</p> <p><i>Following a site visit Historic England considers that the existing building, though altered, remains recognisable as part of the nineteenth century structure of the village. The form, mass, shape and basic materials of the building are typical of other historic buildings aligned along the A49. We therefore consider that the existing building makes a positive contribution to the significance of the conservation area and that development should ideally take the opportunity enhance this contribution by retaining it and improving its appearance.</i></p> <p>We feel that this ethos should be embraced and included within the NDP; the size of the site should more accurately reflect the actual area available for development, retaining this important heritage asset.</p>
<p>D Lea Resident Object</p>	<p>Objection to Peterstow Neighbourhood Plan with regards to Site option 14 Land at Peterstow Shop we continue at this stage to be required to consider this site for development. Planning was refused on the 7 March 2018 several weeks prior to this draft (25 April) being submitted for examination with the advice that no change needs to be made.</p> <p>The planning application of the Post Office site P174522 was refused on 6 different counts contravening several national core planning policies and contrary to neighbourhood development plan objectives.</p> <p>The Steering Committee say they have given 'very considered thought' to all the sites, which they indeed have although the thought process followed is flawed when following the weight given via the smart and compatibility test culminating in the Post Office site</p>

	<p>being ranked 1. In task C1 Nov 2017 six sites were given the exact same rating. These are options 4B, 7, 10, 12B 12C & 14.</p> <p>On scrutiny of the SEA objectives I disagree with the weightings given for site (14) which seem to have been given a 'best fit' score. Together with the refusal of planning for this site and looking at the objectives given for the symbol + compatible. I refute that compatibility is achievable for this site.</p> <p>The comments provided by the Parish Council with regards to their lack of objection towards this site is a real cause for concern. Particularly the sincere acceptance and regard to all concerns but no real transference of these concerns into actual objection and glib attitude to neighbours affected by detrimental development of this site.</p> <p>Continual insistence by Peterstow Parish Council that this is a 'potential brownfield site' has little substance. There is no documentation supporting this claim. Subsequently this incorrect premise has disproportionately shaped thinking regarding the Post Office site. Consequently a full planning application took place paying no heed to pre-planning advice endorsed with qualified comments by the Peterstow Parish Council.</p> <p>In conclusion with the above constraints and limited viability as outlined in non compatible SEA objectives this is an objection to the Peterstow Neighbourhood Plan regarding the Post Office Site with a request to remove it from the plan as it stands at present.</p>
<p>Ross MacGregor Resident Object</p>	<p>I am grateful that many of the points in my letter to Peterstow Parish Council have been included in the second draft of the Proposed Development Plan BUT, when you look at the original plan, you'll see that all the previously proposed sites, with the exception of the village shop, have now been ruled out and only the Hightown proposal remains, in effect.</p> <p>The two sites at Highgrove and Hightown are only yards apart. They are so close together, being on either side of the same lane, that they should, in my opinion, be counted as one development. This appears to bring it into the realm of a "Medium Sized Site" per para 3.14 of the plan and, therefore, something which the plan itself states " should not be recommended according to the clear wishes of the parish. "</p> <p>Paragraph 3.13 also appears to have been ignored by the Peterstow Steering Committee in terms of potential impact on flooding and the highway network. – In terms of traffic only, if the proposal goes ahead, you'll notice how approximately 80 cars will funnel onto the A49 from the Hightown lane and then, within 200 yards, another 10 are likely to come from the development at the shop. – Our lane has no footpath and no passing places other than people's driveways so congestion and traffic issues, particularly at peak periods, are bound to feature.</p> <p>I am pleased at the type of housing being proposed but not the recommended "creep into land outside the village boundary." - I also repeat my closing comments.</p> <p>We have until 2031 to find the outstanding minimum of 6 houses and 4 are planned for the village shop (site 14). That leaves 13 years to find an extra 2 houses, added to which the Development Plan has to be reviewed every 5 years. (We will, therefore, easily achieve and surpass the target). I believe we should approve the village shop development now but conduct further investigation into infill sites within the village boundary.</p>
<p>R and S Lewis Residents LATE Object</p>	<p>Objections regarding the post office shop.</p> <ul style="list-style-type: none"> • Drainage • Traffic • AONB impact • Object to the area being overcrowded and blocking light into their property.

<p>Gladys Gibbons</p> <p>Resident</p> <p>Object</p>	<p>Object to the Old Hightown Green site - .Four properties. Owners of this land were not fully consulted about this proposed plan.</p> <ul style="list-style-type: none"> • The proposed new build would have detrimental affect on the open aspect views currently enjoyed by properties 1 - 5 Old Hightown to rear of their properties. The added traffic in lane leading up from A49 and also out onto A49. • Object on high ways impact, too much traffic for the lane to take. There are no passing places on this lane apart from other people's driveways. • Impact the nature and ambience of this Area of Outstanding Natural Beauty. • Sewage impact. There are problems regarding overflow of storm water during spells of heavy rain. The drains cannot cope anyway with heavy running water down from field in the lane. Culminating in much water running onto A49 at the junction and causing hazard there.
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Officer's Appraisal

This plan has met the requirements of the regulations as set out in the table above.

No concern has been raised from internal consultees with regards to the ability of the plan to meet the required minimum proportional growth contributing towards the deliverability of the Core Strategy.

The plan includes settlement boundary for the identified RA2 settlement of Peterstow. This boundary have taken into account existing commitments and proportional growth requirements. The proportionate growth target for Peterstow is 27 dwellings, the parish already has 6 commitments and 5 completions; this leaves a residual figure of 16 as of April 2017. With this in mind, there are three site allocations proposed to accommodate a minimum of 12 dwellings. The plan also allows for windfalls and some capacity within the settlement boundary of Peterstow.

Overall, 23 responses have been received; 4 internal service providers and 7 from statutory and external consultees. There have been 12 comments from residents or consultants on behalf of residents, all of have been objections. The majority of the raised objections from residents are:

- Objection to the post office site, most of the objections were regarding this site allocation and potential environmental impact and traffic impact.
- Objection to the NDP only allocating the minimum number and new housing should be permitted.
- Objection to the housing site on the south wedge of the village.
- Some parishioners felt ignored with feedback on sites, particularly feedback on the post office site.
- Objection to CLEUD site included within the housing figures.
- Objection to the Highgrove and High town development. Detriment to landscape, traffic impact and sewage impact.

The NDP includes the post office site this has raised local objection, however the policy places importance on the retention of the shop along with car parking along with ensuring any development proposal meets highway safety standards. No specific comments regarding the Post Office Shop site have been made by Transportation, Landscape Officer or the Environment Agency. Strategic Planning raised no objections and confirm that the policies within the plan are in general conformity with the Core Strategy.


External responses from technical bodies such as Natural England, Historic England, Welsh Water, Wye Valley AONB, National Grid and have raised no objection to the regulation 16 draft plan. It is considered that there are no fundamental issues relating to this plan which would prevents its progress to examination.

Programme Director's comments

Decision under Regulation 17 of the Neighbourhood Planning (General) Regulations 2012.

The decision to progress to appoint an examiner for the above neighbourhood plan has been

Approved



Richard Gabb

Programme Director – Housing and Growth

Date: 18.06.2018

Appendix 1

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Peterstow- Regulation 16 submission version

Date: 08/06/18

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
PTS1- Promoting Sustainable Development	SS1	Y	
PTS2- Conserving the Landscape and Scenic Beauty of the Parish	SS6; LD1; LD4	Y	
PTS3- Enhancement of the Natural Environment	SS6; LD2	Y	
PTS4- Protecting Heritage Assets	SS6, LD4	Y	
PTS5- Development within Peterstow Conservation Area	SS6, LD4	Y	
PTS6- Foul and Storm Water Drainage	SD3, SD4	Y	
PTS7- Protection of Peterstow Common as Local Green Space	N/A	Y	
PTS8- Design and Appearance	SS6, LD1, LD2, LD4, SD1	Y	
PTS9- Sustainable Design	SS6, SD1, SD2	Y	
PTS10- Traffic Measures within the Parish	SS4, MT1	Y	
PTS11- Highway Design Requirements	SS4, MT1	Y	
PTS12- Housing Development in Peterstow Village	SS2, RA2	Y	
PTS13- Housing Sites in Peterstow Village	RA2	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
PTS14- Protection and Enhancement of Community Facilities and Services	SC1	Y	
PTS15- Contributions to Community Facilities	SC1	Y	By seeking smaller scale infill housing developments, obtaining these contributions may prove difficult without the economies of scale that larger schemes provide.
PTS16- Small and Home Based Business	SS5, RA5, RA6, E3	Y	
PTS17- Polytunnel Proposals	N/A	Y	
PTS18- Renewable and Low Carbon Energy	SD2	Y	

