



Waverley Borough Council Local Planning Authority Bramley Neighbourhood Plan 2017-2032

DECISION STATEMENT

1. Introduction

- 1.1 Under the Town and Country Planning Act 1990 (as amended), the Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and orders and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6 chapter 3) sets out the Local Planning Authority's responsibilities under Neighbourhood Planning.
- 1.2 This report confirms that all the modifications proposed in the Examiner's report have been accepted, the Draft Bramley Neighbourhood Plan has been altered as a result of it and that this Plan may now proceed to referendum.

2. Background

- 2.1 The Draft Bramley Neighbourhood Plan relates to the area that was designated by Waverley Borough Council as a neighbourhood area on 10 April 2017. This area is coterminous with the Bramley parish boundary that lies within the Waverley Borough Council Local Planning Authority area.
- 2.2 Following the submission of the Draft Bramley Neighbourhood Plan to the Council, the Plan was publicised, and representations were invited under Regulation 16 from 5 February 2021 until 19 March 2021.
- 2.3 Mr John Slater was appointed by Waverley Borough Council with the consent of Bramley Parish Council, to undertake the examination of the Bramley Neighbourhood Development Plan and to prepare a report of the independent examination.
- 2.4 The Examiner's report was received by Waverley Borough Council on 16 August 2021. He concluded that, subject to making the modifications recommended by the Examiner, the Draft Bramley Neighbourhood Development Plan met the basic conditions set out in the legislation and should proceed to a Neighbourhood Plan referendum.

2.5 Paragraph 12(4) of Schedule 4B to the Town and Country Planning Act 1990 (“the 1990 Act”) states that a referendum must be held on a proposal for a neighbourhood development plan or order if the LPA is satisfied that it meets the basic conditions and other legal requirements or would do so if modifications were made to the draft plan or order (whether or not recommended by the Examiner).

3. Decision

3.1 The Neighbourhood Planning (General) Regulations 2012 (as amended) require the local planning authority to outline what action to take in response to the recommendations of an Examiner made in a report under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan.

3.2 Accordingly, having considered each of the recommendations made by the Examiner’s report, and the reasons for them, Waverley Borough Council, with the support of Bramley Parish Council, has decided to accept all of the Examiner’s recommendations to the draft plan. Table 1 below outlines the alterations made to the draft plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of 2004 Act) in response to each of the Examiner’s recommendations and the justification for them.

Table 1: Recommendations by the Examiner agreed by Waverley Borough Council with the consent of Bramley Parish Council

Policy/ Paragraph reference	Modification	Reason	WBC Decision
Policy BNP- G1	<p>In the first sentence, omit “limiting development to within the Settlement Boundary, Brownfield Sites and Rural Exception sites”</p> <p>After the first bullet, insert “as shown in Figure 8.1”</p> <p>In the second bullet after “conversions”, insert “so long as it has no greater impact on the openness of the Green Belt than the existing development”</p> <p>In the third bullet point replace “policy BNP-G2” with “Local Plan Policy AHN2”</p> <p>After the fourth bullet in the second paragraph, insert “Development at Smithbrook Kilns and Birtley Courtyard will be limited to the extension or alteration of the buildings, provided that it remains in the same use class and does not result in disproportionate additions over the size of the original building”</p>	<p>The amendments are required to remove the duplication of wording in the policy relating to development and green belt policy. The modifications also add more detail to the policy in terms of national green belt policy and make changes to the settlement boundary due to the difference in character with the land to the north.</p>	Accepted
Policy BNP – G2	<p>Retitle Policy as “Assessing the Suitability of Sites for Residential Development”</p> <p>Replace the text under the heading Sites Inside the Settlement Boundary with “Development which increases the number of small homes</p>	<p>Amendment to the title of the policy and policy wording to provide greater clarity.</p>	Accepted

Policy/ Paragraph reference	Modification	Reason	WBC Decision
	<p>(especially two-bedroom units) within the settlement boundary will be supported, especially those on infill sites and on previously developed sites, subject to compliance with other relevant development plan policies.”</p> <p>Under the heading of Rural Exception sites, replace the text with:</p> <p>“Planning permission will be granted for rural exception sites that meet all the criteria in Local Plan Policy AHN2 and other relevant development plan policies, where the site has adequate access to services and amenities including shops and public transport.”</p> <p>Under the heading Conversion sites, replace the bullet points with:</p> <ul style="list-style-type: none"> • “Where consent is required, planning permission will be granted for the conversion of commercial premises to residential use so long as the development does not lead to the loss of an employment or business use, unless the applicant can demonstrate through evidence of marketing of the premises for that use over a twelve-month period, that the continued commercial use of the premises is no longer viable. • Planning permission will be granted for the subdivision of large houses into multiple, smaller units which meet the aspirations set out in Policy BNP – H2 		

Policy/ Paragraph reference	Modification	Reason	WBC Decision
	<ul style="list-style-type: none"> • Planning permission for the conversion of agricultural and other rural buildings into small residential units will be granted, subject to the development respecting the character of the original building, where appropriate. • The conversion of residential outbuildings into small housing units will be granted, subject to the scheme not creating issues of overlooking and the provision of sufficient parking. <p>The residential development of previously developed sites will be supported subject to the redevelopment not having a greater impact on the openness of the site than the existing development”.</p>		
<p>Policy BNP – G3</p>	<p>Delete the first sentence Under Strategic Views and Vistas add to the first sentence, as shown in Figure X and replace the text after “would not” by “adversely impact on the views unless that impact is satisfactorily mitigated.”</p> <p>Under “Heritage Assets”, at the start insert “Within the Conservation Areas,” and after “reflect” insert “and enhance”, omit “and the nationally and locally listed (and proposed Heritage Assets and their settings”. In the second sentence, replace</p>	<p>Amendments are required to make the policy easier to use by removing the aims of the policy from the policy itself and adding them to the supporting text. Inclusion of the Strategic Views and Vistas plan will make the policy easier to use by readers and decision makers. Modifications to the policy wording are required to make the policy NPPF compliant in respect of new development reflecting the character of an area and development of non designated heritage assets. Changes to the wording in the policy are also needed to make it more specific in terms of the materials used in new developments.</p>	<p>Accepted</p>

Policy/ Paragraph reference	Modification	Reason	WBC Decision
	<p>“these” with “designated heritage” and delete all the text after “assets”. Insert “The effect of a development on non-designated heritage assets including locally listed buildings, must balance the scale of any loss or harm with the significance of the asset.” Delete the final paragraph of that section. Under Materials replace “character” with “palette of materials”.</p>		
Policy BNP – G4	<p>Replace the policy with “For the purpose of Policy RD 1 of the Waverley Local Plan 2002 and any subsequent replacement policy, the settlement boundary for Bramley shall be as shown on Figure 8.1”. Exclude the southern extension of the proposed settlement boundary from Figure 8.1.</p>	<p>Amendments to the settlement boundary to reflect the existing permissions granted in the west of Bramley. To remove land to the south of Bramley from the settlement boundary to reflect the character of the land.</p>	Accepted
Policy BNP – H1	<p>In the first sentence, after “start date” insert “of the Waverley Local Plan- Part 1”. In the second bullet point, replace “sites” with “site” and delete reference to site S1. In the third bullet point, delete text after “Sites” and insert “approved in accordance with Local Plan – Part 1 Policy AHN 2”. In the final bullet point delete all text after “Sites”. Delete the final paragraph.</p>	<p>Amendments to clarify the start date of the neighbourhood plan. Removal of the second bullet point to avoid double counting. Removal of the third paragraph to add clarity and avoid homes being permitted in inappropriate locations.</p>	Accepted
Policy BNP – H2	<p>In the second paragraph under the heading “Less Than 10 Unit Housing Mix” replace</p>	<p>Amendments to the policy are required to add clarity to the policy and remove duplication.</p>	Accepted

Policy/ Paragraph reference	Modification	Reason	WBC Decision
	<p>“Bramley sites” with “Schemes of 6 or more units”. Replace the penultimate paragraph with “Two-bedroom units should be subject to a condition removing permitted development rights for extensions, to ensure the retention of a stock of two-bedroom dwellings and provide choice in the future”. Delete the final paragraph.</p>		
Policy BNP – H3	<p>Replace the first paragraph with “The following types of development, which support meeting the needs of older residents will be granted, subject to other development plan policy,” Delete the third bullet. Delete the final paragraph</p>	<p>The amendments are required to remove contradictions and ensure the policy is in accordance with the NPPF.</p>	<p>Accepted</p>
Site Allocation s	<p>That the information contained in paragraphs 10.1 to 10.6 be put into a Site Allocation Appendix.</p>	<p>Relocation of the text to the evidence base.</p>	<p>Accepted</p>
Policy BNP – S1: Site 469d) (Coleman s Yard)	<p>That the policy be deleted</p>	<p>Due to the site being almost complete the Examiner considers the retention of the policy would not be of benefit.</p>	<p>Accepted</p>
Policy BNP – S2: Destinatio n Triumph,	<p>Delete the 3 bullet points</p>	<p>Two of the bullet points comprise a justification of the policy and the third bullet point duplicates Policy BNP-G3.</p>	<p>Accepted</p>

Policy/ Paragraph reference	Modification	Reason	WBC Decision
Birtley Road Site			
Site 791 – Smithbrook Kilns	That paragraphs 10.9.1 to 10.9.4 be deleted	These paragraphs of the neighbourhood plan are not supported by a policy and the Examiner does not consider the site meets the definition of previously developed land. Inclusion of these paragraphs which support development at Smithbrook Kilns would be contrary to national planning policy.	Accepted
Policy BNP – E3	Delete the first sentence of the policy	The sentence is not useable to decision makers and therefore, should be removed.	Accepted
Policy BNP–C1	Replace the first paragraph with “The following spaces are designated as Shared Spaces for Community Use. Remove from the bullet list - Gosden Common and Coronation Oak In the second sentence of the penultimate paragraph replace “may” with “will”.	Removal of the conditional protection of two open spaces ad shared spaces and retain them as local green spaces. Also strengthening the wording of the policy to aid decision makers.	Accepted
Policy BNP - C2	At the end of the second paragraph insert “subject to them being in accordance with national and local plan policy. Move the final paragraph to the supporting text or include as a Community Action	Amendments to the final paragraph to enable the policy to be used effectively by decision makers.	Accepted
Policy BNP – C3	In the final sentence of the first paragraph, replace “an increase in pupil numbers” with “a significant increase in the pupil capacity of the school” At the end of the first bullet replace “and” with “and/or”.	Amendments to increase the flexibility of the policy and remove contraction within the text. The Examiner does not see the provision of additional car parking at the school to be a constraint. Therefore, additional wording is proposed to refer to significant increase in the capacity of the school rather than pupil numbers.	Accepted
Policy BMP – C4	That the policy be deleted	The policy does not meet the Secretary of State’s expectation for neighbourhood plan policies to be clear and unambiguous. Therefore, the policy needs to be deleted.	Accepted

Policy/ Paragraph reference	Modification	Reason	WBC Decision
Policy BNP – I1	Delete the first paragraph and 2 bullet points. In the second paragraph delete the second bullet point. Delete the final paragraph.	Removal of duplication with existing information within the Council’s validation checklist and reference to who should be consulted on a planning application. The modifications also include removing issues normally addressed by the County Council. Amendments are also required to reflect the fact that a policy cannot dictate how CIL funds are spent.	Accepted
Policy BNP–I3	That the policy be deleted	Due to insufficient evidence to support the policy.	Accepted
Policy BMP – I 4	In the second sentence, replace “shall” with “will be encouraged to” Delete the final paragraph	Amendments to encourage developments to improve private roads rather than making a policy requirement. Removal of the final paragraph as it refers to a development plan document which is still undergoing preparation.	Accepted
Policy BNP – I5	In the final paragraph after “investing” insert “in the necessary infrastructure such as ducting	Amendments needed to reflect the fact that a developer cannot provide the best mobile and broadband connectivity and this responsibility lies with telecoms operators. Developers can install the necessary infrastructure within developments to facilitate the provision of mobile and broadband services and this is reflected in the amended wording.	Accepted
Policy BNP – I6	That the policy be deleted	It is not a neighbourhood plan policy but replicates an adopted local plan policy and emerging local plan policy.	Accepted
Policy BNP – L1	Replace the third and fourth paragraphs with “Where planning permission is required, proposals that involve the loss of uses that fall within Use Class E will be resisted, unless the alternative ground	Revised wording is required to reflect the recent changes to the Use Class Order and green belt policy.	Accepted

Policy/ Paragraph reference	Modification	Reason	WBC Decision
	<p>floor use is a use that is appropriate to the local centre.”</p> <p>Replace the fifth paragraph with “Proposals outside the Bramley Local Centre that results in the loss of shops within Use Class F2 will not be permitted, unless a minimum of 12 months marketing for that use class is demonstrated.”</p> <p>In the second sentence of the final paragraph after “expansion of” insert “of units in,” and after “sites” insert “that are not a disproportionate increase in the size of the original unit”.</p>		
Policy BNP – L2	<p>Replace the first paragraph with “Proposals for the expansion of units at Bramley Business Centre will be supported so long as it does not involve a disproportionate enlargement of those units over their original size and subject to compliance with other development plan policies”.</p> <p>Delete the second paragraph.</p>	Amendments required to remove duplication with other policies within the Neighbourhood Plan and to reflect national Green Belt policy.	Accepted
Policy BNP – L3	<p>In the first bullet point, delete all text after “where appropriate”.</p> <p>In the second bullet after “businesses” through the conversion of existing buildings”.</p> <p>Delete the final paragraph and bullet points.</p>	Amendments required to remove duplication with other policies in the Neighbourhood Plan and to reflect national Green Belt policy.	Accepted
Policy BMP – L4	<p>In the final sentence after “accommodation” insert “achieved</p>	Amendments required to bring the policy in line with national green belt policy.	Accepted

Policy/ Paragraph reference	Modification	Reason	WBC Decision
	through the conversion and or extension of existing buildings”.		

4. Conclusion

- 4.1 Waverley Borough Council confirms that the Bramley Neighbourhood Development Plan 2017-2032, as modified, complies with the legal requirements and basic conditions mentioned in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act and complies with the provisions of Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004, and can therefore proceed to referendum.
- 4.2 It is recommended that the Bramley Neighbourhood Development Plan 2017-2032 should proceed to a referendum based on the neighbourhood area defined by Waverley Borough Council on 10th April 2017. The Examiner has confirmed that this is an appropriate area.
- 4.3 This decision has been made according to the advice contained in the above report in response to the recommendations of the examiner made in a report under paragraph 10 of Schedule 4B to the 1990 Act (as applied by section 38A of the 2004 Act) in relation to the Bramley Neighbourhood Development Plan 2017-2032.

5. Authorisation under delegated authority

- 5.1 Under sections M.3 xx and M.3 xxiii respectively of the Waverley Borough Council Scheme of Delegation dated April 2021, the Head of Planning and Economic Development has delegated authority to make all decisions, take all actions and exercise all powers in respect of the Council's Development Management, Planning Policy and Planning Enforcement functions in accordance with the Town and Country Planning Act 1990 and the Localism Act 2011.

Signed:

A handwritten signature in black ink, appearing to read 'Zac Ellwood', written in a cursive style.

Zac Ellwood, Head of Planning & Economic Development

Date: 20 September 2021

APPENDIX A – Confirmation from Bramley Parish Council regarding examinations recommendations

Letter from Bramley Parish Council dated 2 September 2021:

Bramley Parish Council
serving the community since 1894



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Katherine Dove
Principal Planning Officer (Policy)
Waverley Borough Council
The Buryes
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GU7 1HR

1st September 2021

Dear Katherine

Re: Bramley Neighbourhood Plan – Independent Examiner’s report

I hereby formally notify Waverley Borough Council that Members of Bramley Parish Council unanimously accept the independent examination report from Mr John Slater dated 16th August 2021 and the modifications to the Bramley Neighbourhood Plan recommended therein.

Yours sincerely

A black rectangular box redacting the signature of Kathy Victor.

Kathy Victor
Parish Clerk
Bramley Parish Council

Clerk: Mrs Kathy Victor, Office open: Tuesday & Thursday 9am-12noon