

Bramley Neighbourhood Plan 2017 - 2032

Submission Version

A Report to Waverley Borough Council on the Examination of the
Bramley Neighbourhood Plan

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Executive Summary

My examination has concluded that the Bramley Neighbourhood Area Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications, which are required to ensure the plan meets the basic conditions. The more noteworthy include –

- The plan should be explicit in establishing the settlement boundary around Bramley and should amend the boundary to the west of the village to the boundary which is proposed by the draft Local Plan - Part Two, but it should not extend the settlement boundary to the south of the village.
- Support for the redevelopment of brownfield sites should be conditional upon the development having no greater impact on the openness of the Green Belt than the existing buildings on the site.
- Removing reference to the conversion of large estates to provide small units of accommodation.
- Incorporating the map of Strategic Views and Vistas into the plan document.
- Clarifying the test of how a proposal that affects a non-designated heritage asset should be considered, to bring it into line with national policy.
- That the allocation of Colemans Yard be removed as the development has been completed.
- Recommend that the stock of new two bed units be protected by the imposition of conditions removing permitted development rights for extensions.
- Moving the site selection criteria section of the plan into a separate appendix.
- Removing all reference to the plan offering support for residential development on land adjacent to Smithbrook Kilns.
- Amending the dark skies policy and its reference to retaining lighting to the 2017 levels.
- Removing Gosden Common and the Coronation Oak from the list of Shared Spaces for Community Use.
- Amending the requirements to provide additional parking / travel plan to only those schemes which result in a significant increase in the capacity of a school.
- Deleting the policy regarding the possible uses of Bramley Infant School playing field.
- Deleting the air quality policy.
- Encouraging rather than requiring the making up of private roads to adoptable standard for schemes of five or more dwellings.
- Removing the policy regarding the use of the Downs Link.
- Updating the retail policy to take account of the introduction of new Use Class E and F2.

- Restricting support for the expansion of the four commercial centres to extensions that do not constitute a disproportionate increase in the size of the building over the original.
- Clarifying that support for rural businesses and visitor accommodation will be restricted to the use of existing buildings and the possibility of their limited extension.

The referendum area does not need to be extended beyond the Plan area.

Introduction

1. Neighbourhood planning is a process introduced by the Localism Act 2011 that allows local communities to create the policies that will shape the places where they live and work. A neighbourhood plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies that 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 alongside the adopted Waverley Borough Council Local Plan Part 1 – Strategic Policies and Sites, adopted in February 2018, and the saved policies of the Waverley Local Plan 2002. Decision makers are required to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been undertaken under the supervision of Bramley Parish Council. A Neighbourhood Plan Steering Group was appointed to undertake the Plan’s preparations made up of Parish Councillors and local residents.
3. This report is the outcome of my examination of the Submission Version of the Bramley Neighbourhood 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, the Plan will be “made” by Waverley Borough Council.

The Examiner’s Role

4. I was appointed by Waverley Borough Council in March 2021, with the agreement of Bramley Parish Council to conduct this examination.
5. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 43 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 and director of my neighbourhood planning consultancy, John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of Waverley Borough Council and Bramley Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.
6. 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
7. 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 the area covered by the Bramley Neighbourhood Plan area.
 8. In examining the Plan, the Independent Examiner is expected to address the following questions
 - 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?
 - 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.
 - Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and been developed and submitted by a qualifying body?
 9. I am able to confirm that, if amended in line with my modifications, the Plan does only relate to the development and use of land, covering the area designated by Waverley Borough Council, for the Bramley Neighbourhood Plan, on 10th April 2017.
 10. I can also confirm that it does specify the period over which the Plan has effect, namely the period from 2017 up to 2032.
 11. I can confirm that the Plan does not contain policies dealing with any “excluded development”.
 12. There are no other neighbourhood plans covering the area covered by the neighbourhood area designation.
 13. I am satisfied that Bramley Parish Council as a parish council can act as a qualifying body under the terms of the legislation.

The Examination Process

14. 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 if a person has a fair chance to put forward a case.
15. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.
16. I am satisfied that I can properly examine the Plan without the need for a hearing.

17. I carried out an unaccompanied visit to Bramley on the afternoon of 4th June 2021. I visited all the settlements in the parish, saw the plan's two housing allocation sites and visited Smithbrook Kilns and Birtley Courtyard, as well as the two proposed Local Green Spaces and some of the community facilities referred to. On another occasion, I had cause to drive through the parish on route to another examination site visit and I made a point of refreshing my memory of the area, and particularly the strip of land which the plan is proposing to include in the settlement boundary to the south of the village. On both visits I was able to experience traffic conditions along the A281.
18. Following my initial site visit, I prepared a document seeking clarification on a number of matters, which I sent to both the Parish Council and Waverley Borough Council, entitled Initial Comments of the Independent Examiner, dated 15th June 2021. I received responses from the Parish Council and Waverley Borough Council on 5th July 2021. In that document I sought information as to the landowner's arguments as to why the land adjacent to Smithbrook Kilns should be treated as a brownfield site. Waverley Borough Council contacted them and I received a letter dated 4th August 2021 which was copied to the Parish Council and the Borough Council. I asked that a copy be placed on the respective websites. I asked for the Borough Council's views on that letter and received a reply on 11th August 2021 confirming that the letter did not change its view as to the status of the land.
19. On 26th July 2021, I issued a further document entitled Further Comments of the Independent Examiner seeking views on the implications of the changes to the National Planning Policy Framework which had been issued on 20th July 2021. No substantive comments were received.

The Consultation Process

20. The decision to prepare a neighbourhood plan was taken by the Parish Council as its meeting held on 19th January 2017. Initial work which was carried out in parallel with the application for neighbourhood area designation, included commissioning a housing needs survey and issuing a call for sites. Early meetings took place with landowners and local stakeholders. An initial public meeting was held in July 2017 which was attended by over 60 residents. The preliminary work also reviewed the results of the 2010 Parish survey.
21. A drop-in session was held in the Village Hall on 21st October 2017, which was attended by 41 residents and in December 2017 a survey of all Bramley households was distributed and this generated 481 responses.
22. Progress on the plan was made throughout 2017 and 2018 with meetings being held with both the Borough Council and also other stakeholders and landowners and the work of the Steering Group was publicised through a range of media plus regular attendance at Parish Council meetings, a presence at the Bramley Fete and through the neighbourhood plan website.

23. All this activity culminated with the preparation of the Pre-Submission version of the Neighbourhood Plan which was the subject of a six - week consultation, known as the Regulation 14 consultation, which ran from 12th January to 22nd February 2019. In total 186 representations were received. These are fully set out in Appendix 1 of the Consultation Statement which also sets out how the plan responded to the comments made.
24. I am satisfied that the Parish Council has actively sought the views of local residents and other stakeholders and their input has helped shape the Plan.

Regulation 16 Consultation

25. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation, which took place over a six-week period, between 5th February 2021 and 19th March 2021. This consultation was organised by Waverley Borough Council, prior to the Plan being passed to me for its examination. That stage is known as the Regulation 16 Consultation.
26. In total, 9 responses were received, including: Natural England, Thames Water Utilities Ltd, Surrey County Council, Waverley Borough Council, Environment Agency, CPRE Surrey and Historic England. Representations were also submitted by Rodway Planning Ltd on behalf of Birtley Courtyard Management Ltd. One letter was received from a local resident.
27. I have carefully read all the correspondence and I will refer to the representations where relevant to my considerations and conclusions in respect of specific policies or the Plan as a whole.

The Basic Conditions

28. 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 are known as the Basic Conditions as set down in legislation. It will be against these criteria that my examination must focus.
29. The five questions, which seek to establish that the Neighbourhood Plan meets the basic conditions test, are: -
- Is it appropriate to make the Plan having regard to the national policies and advice contained in the guidance issued by the Secretary of State? For the sake of clarity, this examination will look at how the plan has regard to the most up to date version of the NPPF, published on 20th July 2021 and the paragraph numbers of that version will be quoted throughout this report.
 - 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?

- Will the making of the Plan breach or be otherwise incompatible with EU obligations or human rights legislation?
- Will the making of the Plan breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017?

Compliance with the Development Plan

30. To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan, which in this case is the Waverley Borough Council Local Plan Part 1: Strategic Policies and Sites, which was adopted on 20th February 2018. The Development Plan also includes the saved policies from the Waverley Borough Council Local Plan 2002, adopted in 2002, which defines the extent of the settlement boundary around Bramley. The development plan also includes a number of Surrey Mineral and Waste documents, DPDs and SPDs but these documents are not relevant to the examination of a neighbourhood plan, as they cover “excluded development”, which a neighbourhood plan cannot address.
31. The adopted Waverley Borough Council Local Plan Part 1 has a district housing requirement of a minimum of 11,210 for the period 2013-32. Bramley is one of the second-tier settlements, known as Large Villages and the Plan sets a housing requirement of at least 90 dwellings to be allocated in Bramley. The plan considered the extent of the Green Belt, but left the boundaries as existing in respect of the plan area with the village of Bramley being washed over by the Green Belt. The Borough Council has confirmed that it considers all the policies in the Part 1 of the Local Plan are to be treated as strategic policies against which general conformity is required, in terms of one of the basic conditions.
32. Of particular relevance to this plan are the policies dealing with affordable housing - Policy AHN1 and Policy AHN2 – Rural Exception sites and Housing Types and Sizes as set out in Policy AHN3. Green Belt policy is set out in Policy RE2. I will refer to a range of other Local Plan policies where it is relevant to specific Neighbourhood Plan policies.
33. Waverley Borough Council is currently working on a new draft Local Plan Part 2 (Site Allocations and Development Management Policies). This has reached the Pre-Submission stage. That is still emerging policy and is therefore not part of the adopted Plan that is the basis of the basic conditions test, upon which this examination must concentrate. The Borough Council anticipate that Local Plan Part 2 could be adopted in early 2022, at the earliest.
34. My overall conclusion is that the Neighbourhood Plan, apart from where I have noted in the commentary on individual policies, is in general conformity with these strategic policies in the Waverley Borough Council Local Plan Part 1.

Compliance with European and Human Rights Legislation

35. Waverley Borough Council issued a Screening Opinion, in a report dated 4th January 2021, which concluded that a full strategic environmental assessment, as required by EU Directive 2001/42/EC, which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004”, would not be required.
36. The Borough Council, as competent authority, commissioned Base Planning and Development Ltd to carry out, on its behalf, the screening of the neighbourhood plan and it issued a screening opinion dated 24th August 2020, under the Conservation of Habitat and Species Regulations 2017. This concluded that a full Habitat Assessment would not be required on the basis that the plan would not have a significant impact upon European protected sites, the nearest are the Thames Basin Heaths SPA and the Wealden Heaths Phase I and II SPA, Ebernoe Common SAC, the Mole Gap to Reigate Escarpment SAC, Butser Hill SAC, Woolmer Forest SAC and The Mens SAC.
37. I am satisfied that the basic conditions regarding compliance with European legislation, including the more recent basic condition regarding compliance with the Habitat Regulations, are met. I am also content that the Plan has no conflict with the Human Rights Act.

The Neighbourhood Plan: An Overview

49. The vast majority of Bramley parish lies within the Green Belt. The only part of the parish not included, is a small section at the southern fringes of the plan area. Most of the parish, apart from Bramley village and the eastern edges, is also within the Surrey Hills Area of Outstanding Natural Beauty (AONB). There are 3 conservation areas. The planning context is therefore heavily constrained.
50. Unlike other settlements within Waverley Borough, the main settlement of Bramley village is not inset from the Green Belt, the Green Belt washes over all the settlements within the parish including Bramley village.
51. Green Belt planning policy is well established and the relevant national guidance is set out in Chapter 13 of the NPPF – entitled “Protecting Green Belt Land”. The government places great weight upon the protection of the Green Belt, in order to prevent urban sprawl, by keeping land open. It is worth reiterating that the Framework establishes that the fundamental characteristics of the Green Belt are its openness and its permanence.
52. The NPPF set out the five purposes of the Green Belt and states that inappropriate development is by definition harmful to the Green Belt and should not be approved, except in very special circumstances. It goes on to say that the construction of new buildings will be inappropriate, unless it meets one of the seven exceptions as set out in paragraph 149 of the NPPF, which includes:

- buildings for agricultural forestry
 - outdoor sports and recreation, cemeteries and allotments
 - the extension or alteration of the building so long as it does not result in disproportionate additions over and above the size of the original building
 - the replacement of a building, so long as it remains within the same use class and is not disproportionately larger than the building it replaces
 - limited infilling in villages
 - rural exception sites and other forms of affordable housing for local communities in line with policies set out in the development plan
- limited infilling or redevelopment of brownfield sites which do not have a greater impact on the openness of the Green Belt than existing buildings.
53. Paragraph 150 goes on to say that other forms of development may also not be considered inappropriate, including the reuse of buildings so long as it does not harm the openness of the site.
54. The Waverley Local Plan's Green Belt policy essentially requires compliance with the national policy.
55. The other major planning constraint relates to the landscape protection offered by a large part of the parish's location within the Surrey Hills AONB. Paragraph 176 of the Framework states this landscape enjoys the highest level of protection and paragraph 177 states that major development should be refused unless there are exceptional circumstances.
56. Together these two designations restrict the ability of the neighbourhood plan to be able to fundamentally influence a number of issues that the neighbourhood plan has sought to address, which includes the extension of the settlement boundary to the south of the village, the extension of some commercial centres in the Green Belt and opportunities for delivering residential development that would deliver more homes of a type that the neighbourhood plan is seeking to support, thereby reflecting the community's wishes to deliver a level of development that is greater than the minimum expected by the Local Plan.
57. I have had to make recommendations to clarify or caveat a number of the policies so that the plan still meets the community's aspirations, yet also having regard to Secretary of State's policy and advice and hence will meet the particular basic conditions test. A good example is the policies that support the rural and visitor economy, where I have made recommendations that offer support for new development but I feel should differentiate between proposals that relate to the use of existing buildings and those that require the construction of new buildings.
58. There have been a number of instances where the plan does not provide the level of certainty which is expected of a neighbourhood plan policy. A neighbourhood plan specifically offers the opportunity for a community to prepare the planning policies that will be used to determine planning applications within the plan area. Secretary of State advice in the Planning Practice Guidance requires the policies to be drafted so they are capable of being used with confidence by decision-makers. The decision makers will not be members of the Parish Council but Waverley planning officers and Planning Committee members and Planning

Inspectors on appeal, for example. They should be capable of giving land owners and applicants a clear indication whether their proposals are likely to be approved. A vague policy or a policy that requires some applications to be “closely scrutinised” or a policy that seeks to address how the applications are to be processed, will not offer the degree of certainty expected of a development plan policy.

59. The Secretary of State requires that neighbourhood plan policy should be backed up by proportionate evidence and particularly on the air quality question the approach being advanced does not seem to be supported by empirical information which is supported by the environmental health department.
60. There are two specific sites where representations have been made to construct new buildings in the Green Belt. I consider the proposal for the expansion of the Birtley Courtyard site will fundamentally undermine the openness of the particular piece of land to the south and east of the complex, notwithstanding the analysis contained in the Green Belt Appraisal prepared by Huskisson Brown Associates and the accompanying representations by Rodway Planning Ltd. I conclude that it would constitute inappropriate development in the Green Belt. Furthermore, my conclusions regarding the extension of the Bramley settlement boundary means that the proposal to include that further small parcel of the land to the rear of Birtley Courtyard, within the Bramley Village settlement boundary, inevitably falls away.
61. The plan is also offering support, albeit through the supporting text rather than via a specific planning policy, for the expansion of Smithbrook Kilns development subject to some unspecified body adjudicating on the previously developed land status of the site. I did invite evidence from the site owners as to why they considered that the land adjoining the commercial complex should be treated as previously developed land. By way of a letter, dated 4th August 2021 the site owners referred to the site’s planning history and in particular, a planning consent and accompanying legal agreement granted in 1983, which referred to the continued use of land for industrial purposes. They argued that as the land was in the curtilage of Smithbrook Kilns and that consent allowed its use for commercial purposes. They also pointed to a consent for new buildings granted in 1997 had been implemented albeit by some preliminary works which had led to the then Local Plan Inspector, referring to the site as previously developed land.
62. These arguments had previously been advanced in a planning appeal, which was dismissed in 2014 for 20 dwellings. The landowners’ argument misses the point that curtilage land to land occupied by permanent buildings would not meet the current exceptions to Green Belt policy, as the land is currently open. Their proposition would only have weight if the extant consent had been built out, so that the site would no longer be described as open land. That was also the conclusion of the 2014 Planning Inspector who also heard evidence that the construction of that development was not viable and therefore should not be considered as a fall-back position, when considering whether very special circumstances exist. I note that the Borough Council is of the same view.

63. My conclusion on these two sites is that the plan's support for the construction of substantial new buildings would be inappropriate development and hence damaging to the openness of the Green Belt. I am not aware of any very special circumstances which would justify a departure from the presumption against inappropriate development. As such their inclusion would not meet the basic conditions as being against national and local policy. I will therefore be recommending that the reference to support for these two sites be removed.
64. Notwithstanding the above, I have been able to conclude that the Plan, taken as a whole and *if modified in accordance with my recommendations*, has had regard to the policies and advice from the Secretary of State.
65. Another of the basic conditions test is whether the neighbourhood plan, when taken as a whole, will deliver sustainable development. The plan looks to provide more housing than is expected through the Local Plan policy and identifies the type and size of dwellings that will meet the identified housing needs of the parish. It seeks to protect important green spaces and community facilities as well as the historic and landscape assets of the area. It contains policy to retain the role of the shopping and commercial centres as places of employment, which reflects the economic strand of sustainable development along with appropriate development to encourage the rural economy. I consider that the plan does meet this basic condition and will contribute to the delivery of sustainable development.
66. My recommendations have concentrated particularly on the wording of the actual policies against which planning applications will be considered. It is beyond my remit as examiner, to comprehensively recommend all editorial changes to the supporting text. Such changes are likely as a result of my recommendations, in order that the Plan will still read as a coherent planning document.
67. Following the publication of this report, I would urge the Parish Council and Waverley's planners to work closely together to incorporate the appropriate changes which will ensure that the text and policies of the Referendum Version of the neighbourhood plan accord with my recommended modifications. There will also need to be editorial matters to resolve such as policy numbering, as a consequence of my recommended changes.

The Neighbourhood Development Plan Policies

Policy BNP- G1: Spatial Plan for Bramley

68. The initial part of the policy sets out what is the fundamental Green Belt constraint that impacts upon development, over what is the majority of the parish.
69. I need to consider whether the statement that sets out the consequence of that Green Belt context is consistent with national and local plan policy. Green Belt policy does not only limit development to the three circumstances set out in the policy, as there will be some forms of development that are appropriate development in the Green Belt. I consider that the policy is more accurate when it states that the plan "steers *housing* development" to the 3 types of locations.

70. There is a degree of duplication in that the first part sets out the implications of that Green Belt designation to development within the settlement boundary, brownfield sites and exception sites. It then repeats the three categories in the next three bullet points. I consider that is unnecessary duplication and I recommend removal of the first reference.
71. This is an important policy and I consider it will be helpful that the policy goes further to more closely reflect the national position which underlines all Green Belt policy particularly in terms of the need to protect its openness.
72. Regarding the settlement boundary around Bramley, I believe that this plan needs to be totally explicit as to what constitutes the settlement boundary. The plan appears to promote two areas where the settlement boundary is to be revised. I am addressing this issue under this policy, rather than Policy BNP – G4, as it is related to the overarching spatial strategy being put forward by the neighbourhood plan.
73. The plan refers to the areas shown in Figure 8.1. I have to say this plan is not particularly clear as it does not show the existing settlement boundary so the changes could be identified. It shows in yellow, the proposals contained in the Local Plan - Part 2 which proposes three changes from the current boundary, namely to include Mill Farm Cottage, land to the north of Park Drive which has planning permission for six dwellings and then adjacent to Ricardo Court, where planning permission was granted for 24 dwellings. The plan, in my opinion, unnecessarily, proposes to leave it to the Waverley Local Plan – Part 2 to define the settlement boundary. I believe it is within the remit of the neighbourhood plan to deal with “tidying up”, reflecting the realities on the ground arising from recent development.
74. The neighbourhood plan also is proposing a separate extension to the settlement which comprises a linear strip of land, to the south of the village which will extend from the current boundary down to Birtley Courtyard.
75. It is important to note that the changes, do not amend the Green Belt boundary but rather the settlement boundary. I consider the most relevant national advice is contained within paragraph 142 of the NPPF. This places the emphasis on “strategic policy making authorities” to consider the consequences for sustainable development of channelling development in towns and villages insert within the Green Belt, as in the case of Bramley. When it concludes that it is necessary to release Green Belt land for development – note that the land will still be Green Belt land, plans should give first consideration to previously developed land and /or land that is well served by public transport.
76. In its comments, Waverly Borough Council, which is the strategic policy-making body, supports the limited changes to the western settlement boundary. I too agree that these changes are justified.
77. The extension of the settlement boundary through the inclusion of the land to the south of the villages raises different issues. It includes what is currently agricultural land and woodland immediately on the edge of the village, which I understand is part of Forester’s Farm. Beyond, there are a number of

commercial premises, some of which contain buildings and storage yards. Unlike the field to the north, these would constitute previously developed land, but in the case of the yard areas, the land remains open. Beyond these commercial sites and before Birtley Courtyard is Apple Court, a residential institution set in extensive grounds. Birtley Court is a commercial business centre, but the proposed settlement boundary would exclude the field to the rear, upon which I have received Regulation 16 representations arguing for its inclusion which I have previously referred to.

78. I appreciate that by extending the settlement boundary, it would offer scope for the Parish Council to realise opportunities through development and redevelopment to secure housing which could meet the aspirations of the neighbourhood plan. There is no fundamental issue with a neighbourhood plan promoting a higher housing number than the Local Plan. I have given that argument significant weight.
79. However, my perception is that this area is a very different in character, from the settlement to the north. The inclusion of the field within the settlement boundary could automatically prevent the land being promoted as a rural exception site, as the presumption would be in favour of some housing or other uses, which are deemed acceptable in settlements within the Green Belt. I am however not sure that its development for housing would fall within the definition of being "limited infill".
80. Similarly in terms of the commercial sites, planning policy already allows the redevelopment of previously developed land, under paragraph 149g) of the NPPF, but with the important proviso that the development would not have a greater impact on the openness of the Green Belt than the existing development. These avenues will still be pursuable even if the land were not included within the settlement boundary.
81. I will therefore be recommending the settlement boundary in the policy should be defined as shown in Figure 8.1, but excluding the southern extension which is a position that would be supported by the CPRE.
82. Turning now to the "brownfield sites", I consider the plan needs further elaboration to refer to the redevelopment or conversion of a brownfield site but should also be subject to the proviso that it would have no greater impact on the openness of the Green Belt.
83. The second part of the policy deals with commercial development centres. Two of the sites will, if my recommendations regarding the Birtley Court are accepted, fall outside the settlement boundary. The policy at the present time is ambiguous as to whether the policy would support development adjacent to the existing centres, into what is open land. That would, in my view, be contrary to national and local green belt policy where new building is considered inappropriate development, unless it meets the number of exceptions which can allow extensions to existing buildings. I will recommend appropriate caveats to these two locations.

Recommendations

In the first sentence, omit “limiting development to within the Settlement Boundary, Brownfield Sites and Rural Exception sites”

After the first bullet, insert “as shown in Figure 8.1”

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”

In the third bullet point replace “policy BNP-G2” with “Local Plan Policy AHN2”

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”

Policy BNP – G2: Assessing Suitability for Development

84. For the sake of clarity, I consider that the title of the policy should be Assessing the Suitability of Sites for *Residential* Development.
85. The wording of the policy for development is somewhat conflicted, as it supports residential development within the settlement boundary, but it then says that preference will be given to small developments on brownfield sites that preserve the character of the locality. The plan does not define what constitutes a small development. I do not consider there is a policy justification for giving preference to brownfield sites over other sites, according to the saved policy RD1 of the 2002 Waverley Local Plan. This policy will be superseded when the new Local Plan – Part 2 is adopted. I am also conscious that the Local Plan’s Spatial Strategy as set out in Policy SP2 is to allow modest levels of development in larger villages including Bramley, although the village is subject to more limited levels of growth than the other Large Villages due to the Green Belt constraints.
86. Similarly, I do not consider a policy which states application for appropriate development will be subject to *close scrutiny* to ensure the suitability, offers any guidance as to how the decisionmaker should actually determine an application. All planning applications should be subject to “proper” scrutiny and the statement implies that other applications could be subject to a lower level of scrutiny. I consider that the aspiration to encourage the redevelopment of brownfield sites can be achieved by an alternative choice of wording, which is supportive of such development.
87. I accept the national policy does not limit infill to villages that have a settlement boundary. However, that would not necessarily be sustainable to allow development within the five hamlets of the parish. As written, the policy supports such development but only if the site has adequate access to services and amenities including shops and public transport. I sought clarification from the Parish Council as to whether it felt that the parish’s hamlets were in locations

that had adequate access to local services. Its response was that it would they would not consider that these settlements met that criterion apart from, possibly Smithbrook Kilns, because of its transport links.

88. There is already a policy that covers rural exception sites and that is Local Plan Policy AHN2. I do not consider the neighbourhood plan actually adds a specific variation to that adopted policy, apart from the question of housing mix which is, in any case, the subject of a separate policy, Policy BNP-H2 and the views/vistas, which are covered by Policy BNP- G3. I will in this case merely include reference to Policy AHN2 as a way of signposting how rural exception sites are to be considered.
89. I am treating the policy dealing with the conversions of commercial premises to residential uses, as being applications for changes of use, rather than redevelopment of the site for a new residential use, based on the use of the term “conversion”. The NPPF states that the reuse of buildings of permanent and substantial construction is not inappropriate development in the Green Belt so long as it preserves its openness and the purpose of including the site in the Green Belt.
90. There is a local dimension to this policy in that it seeks to presume against the loss of viable employment or business use. I consider that the question of viability should not necessarily be related to the current occupier, but the viability of finding a new commercial occupier for the building. I would recommend that reference to brownfield sites be qualified to refer to the impact on openness to be consistent with Policy BNP – G1.
91. I consider that the section of the policy dealing with large houses/estates conversion to multiple units is a most appropriate, locally distinct policy that could help meet the need to provide for smaller units or properties within the parish capable for example of occupation by “downsizers”. I agree with the Historic England representation that the inclusion of estates could have unforeseen consequences and I will recommend that the policy should merely deal with the conversion of large houses.
92. In terms of the section dealing with the conversion of agricultural buildings to housing, there are already permitted development rights in existence, which are not excluded from the Green Belt, but it is appropriate to have a policy which supports such conversions so long as the agricultural buildings are permanent and substantial construction, as required by paragraph 150c) of the Framework.
93. In terms of the conversion of residential outbuildings to separate housing, I consider this to be a local distinctive policy which reflects the reality of Green Belt designation through the use of existing buildings, which do not affect openness. The final sentence implies some bias in the decision-making process which is inappropriate. Who occupies such units created is not ordinarily a matter that can be dictated by policy and so, whilst in the units created maybe of a size *suitable* for younger people or older people downsizing, the policy should not presume against an approval being granted for residential occupation by other groups or types of occupiers.

94. I consider the usability of the policy, relating to brownfield sites, could be improved by including reference to the criteria relating to the proposal's impact on the openness as set down in paragraph 149g of the NPPF.

Recommendations

Retitle Policy as “Assessing the Suitability of Sites for Residential Development”

Replace the text under the heading Sites Inside the Settlement Boundary with “Development which increases the number of small homes (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.”

Under the heading of Rural Exception sites, replace the text with: “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.”

Under the heading Conversion sites, replace the bullet points with:

- **“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**
- **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.**

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”.

Policy BNP – G3: Managing the Landscape, Heritage, Character and Design of the Parish

95. The first sentence of the policy is not actually a statement of policy, but the statement is setting out what the policy is seeking to achieve and I will recommend that this be moved to the supporting text.

96. To assist users of the plan, I propose that the plan of the strategic views and vistas, Figure A4.1 should be included as a map in the actual neighbourhood plan itself, rather than decision makers having to look at the map online as part of the plan's evidence base. I am satisfied from the evidence, that the choice of the views has been appropriately selected. I will also propose that the requirements of the development should be not to adversely impact on these views, unless such harm is appropriately mitigated.
97. Turning to heritage areas, it is only relevant that development taking place within or affecting the setting of conservation areas, to have to preserve or enhance the current appearance of that conservation area. As drafted the plan implies that development well away from the conservation areas still need to reflect their character. Similarly, it is not necessary for all developments within the parish to have to reflect the character or appearance of nationally or locally listed buildings, only those that affects them directly or their setting.
98. The NPPF test in respect of non-designated heritage assets is not to prevent any harm being caused to the significance of that asset, but rather that the scale of any harm or loss needs to be balanced against the building's significance. I will recommend a suitable modification.
99. All applications have to be considered against national policies including those that are in the NPPF and it is not necessary to have a development plan policy requiring compliance with Secretary of State advice.
100. I have no issues with that part of the policy dealing with impact on the character although footnote 44 needs to be updated to refer to the 2021 NPPF.
101. I have no comments to make on the design section of the policy.
102. I am not sure whether the correct test should be that materials are compatible with the parish's *character*. I will consider that it would be more appropriate that the requirement should be to reflect the pallets of materials used in buildings within the parish, as illustrated in Appendix 5.

Recommendations

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."

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 "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".

Policy BNP – G4: Extension of the Settlement Boundary

103. Much of my concerns in respect of this matter has already been addressed in terms of the spatial policy for the parish, set out in Policy BNP – G1. I consider the neighbourhood plan does have the ability to change the settlement boundary on the western edge, and it does not need to await the adoption of the Waverley Local Plan - Part 2.
104. For the reasons stated previously, I do not consider the neighbourhood plan has made a persuasive case for the extension of the settlement boundary to the south of the village.

Recommendations

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.

Policy BNP – H1: Building New Homes

105. This policy sets out how the neighbourhood plan proposes to deliver the minimum number of 90 houses, which is the figure required by Policy ALH 1 of the Waverley Local Plan- Part 1. The policy refers to a start date of 1st April 2013, but the actual state start date of the neighbourhood plan is 2017. I appreciate that this is the result of the mismatch between the time scale of the two plans and I would propose to make that clear through my modification.
106. I noted, on my site visit, that the development at Colemans Yard has been virtually completed. As such, it has already been counted as a commitment, contributing to the figure of 95, set out in the first bullet point, so if it had been retained within the plan as an allocated site in the second bullet, effectively that development would be counted twice. I will propose to remove it from the second bullet point.
107. I do not consider for the purpose of setting a minimum housing number, the fact as to whether windfall sites comply with the criteria set out in Policy BNP – G2 is relevant. Any windfall sites will count towards the housing figures in the parish, irrespective of whether they meet the criteria set by any specific policy.
108. The inclusion of the final paragraph, as a statement of policy could be used as an argument to permit additional homes in what could be inappropriate locations. I consider the plan’s commitment to exceed the minimum 90 figure is already achieved by reference to the fact that the plan is planning for the delivery of *at least* 90 additional dwellings.

Recommendations

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.

Policy BNP – H2: Ensuring the Appropriate Housing Mix

109. It is quite appropriate for the neighbourhood plan to be stipulating the type of house required within Bramley parish rather than the borough. I consider the policy is justified by the housing need evidence and also reinforced by the clear desire of the community to address what it feels is the imbalance in housing supply within the parish.
110. However, the threshold for the delivery of affordable housing outside the AONB is currently set Local Plan Policy AHN1 is that 30% is required to be affordable on developments that result in a net increase of 11 dwellings or more. This creates a potential conflict if an applicant came forward seeking a development of 10 units.
111. My consideration of this apparent difference has been influenced by the fact that the NPPF refers to developments not having to provide affordable housing on schemes that are not major schemes, which is 10 units or more. I have concluded, notwithstanding the reference to 11 or more units in the local plan policy, that in the case of Bramley there is no reason why the figure of 10+ contained in its neighbourhood plan should not be retained. I do not feel that this minor divergence raises issues of general conformity with what is a strategic policy and does not impact on the consideration of basic conditions. In terms of the schemes of less than 10 units, I consider that it will be clearer that in the case of sites in the AONB, the trigger set for the delivery of affordable housing in Policy AHN1 at six dwellings or more should be made explicit.
112. I am reinforced in this conclusion, as my attention has been drawn to the Affordable Housing SPD, which states that the Borough Council is no longer using the threshold of 11, set out in the Local Plan, and is also using the national threshold of 10.
113. I recognise the desire of the plan that where small units are built, they should be retained as such. To some extent the ability of the property to be extendable, will be limited by the scheme layout and plot size and configuration. It is, for example, less straightforward for a mid-terraced property to be extensively extended compared to a detached property. However, the existence of permitted development rights offers householders the ability to extend their properties, within certain parameters, unless those rights are withdrawn by planning condition (or an Article 4 Direction).
114. The Secretary of State is clear that permitted development rights should only be removed where it meets the test of necessity and reasonableness, as part of considering the six tests of a planning condition. He goes on to specifically discourage area wide removals of permitted development rights for properties to carry out small-scale domestic extensions.

115. However, in this instance, I consider that the community's desire to see the stock of small units increased and thereafter retained, is a matter that can constitute appropriate justification. Therefore, whilst the policy refers to the objective being achieved by the scheme design restricting extensions, I will recommend that the use of conditions removing specific permitted development rights be encouraged.
116. The Borough Council in its Regulation 16 comments has raised concerns regarding a statement made in paragraph 6.4.6 stating that the plan will seek to agree *market* rents to be obtained ensuring viability and a sensible developer return but being affordable rents for younger people. There are two issues with this; firstly, it is not expressed as a planning policy to be used in the determination of a planning application but is part of the supporting text and secondly, it is not compatible with the definition of affordable housing for rent as set out in the Glossary of the framework. It is only through the negotiations as to affordability criteria on the affordable component of any housing scheme that the plan will be able to exert control, and not the market rent.
117. The final paragraph of the policy is restating the rationale of the policy and is not actually a new policy statement. I will be recommending that this part of the paragraph be deleted.

Recommendations

In the second paragraph under the heading "Less Than 10 Unit Housing Mix" replace "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.

Policy BNP – H3: Ensuring Appropriate Specialist Housing

118. The first paragraph of the policy sets out the objective of the policy and the actual requirements of the policy are contained within the five bullet points. The support for such accommodation needs to be consistent with other development purposes, such as Green Belt.
119. The third element of the policy specifically offers support for the extension of Birtley House, and proposes that the property as extended should be the subject of the maximum 40% increase from the original dwelling. However, I was advised by Waverley Borough Council, that the premises have already been extended beyond threshold and that in fact the current property has been extensively enlarged so that it is now 54% larger than the original house. I therefore consider the policy has an inbuilt contradiction which means that the proposed limit on the extensive extensions, has already been exceeded. I will therefore be recommending that the specific proposals for Birtley House be omitted as any additional extensions would create a disproportionate enlargement compared to the original and therefore would be contrary to the

general presumption against such extension set out by the Secretary of State's Green Belt policy (NPPF para 149c).

120. The penultimate bullet point deals with matters such as the affordability of residential care, which is a matter that normally would be beyond the scope of being a policy for the use and development of land, which is a prerequisite for being a neighbourhood plan policy. However, I do accept this policy could offer scope for negotiations when considering mixed tenure extra care schemes and the policy is actually not imposing a requirement, but offering support when such schemes come forward.
121. I feel that the final requirement deals with matters of design and is not specific to the subject matter of this policy and in fact duplicates Policy BNP – G3.

Recommendations

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.

Site Allocations

122. Much of this chapter describes the site selection process which has led to the two allocations being put forward in the submission version of the plan. I feel that this information would be better located within the supporting document providing background information as to the site(s) which the plan is putting forward for development. This is also the view of the Borough Council.

Recommendation

That the information contained in paragraphs 10.1 to 10.6 be put into a Site Allocation Appendix.

Policy BNP – S1: Site 469d) (Colemans Yard)

123. As this development was close to completion at the time of my site visit, I see no benefit in retaining this as a plan allocation and I will be recommending that it be removed from the plan.

Recommendation

That the policy be deleted.

Policy BNP – S2: Destination Triumph, Birtley Road Site

124. I recognise the support for the construction of eight residential units on this site, however the first two bullet points are actually the justification for the application rather than being an expression of policy and the matters, in the final bullet point, address design issues already dealt with by Policy BNP – G3 and I would recommend that these be removed from the policy. Reference to 10 units on the site in paragraph 9.2 needs amending.

Recommendation

Delete the 3 bullet points.

Site 791 – Smithbrook Kilns

125. I note that the section of the plan contained in paragraph 10.9.1 through to 10.9.4 does not contain a specific development plan policy. However, the supporting text within the neighbourhood plan refers to support being given for the development of land adjacent to Smithbrook Kilns if this is shown that the land is classed as a brownfield site.
126. If the plan is proposing a policy which is to be used to determine a planning application, it should do so by actually putting forward a policy for the site rather than offering support through the supporting text, which would not be capable of being quoted, in the determination of the planning application.
127. My view is that the site does not meet the definition of being previously developed land as set out in the Glossary to the NPPF which refers to as exceptions to land being treated as brownfield land, where the remains of any permanent structure or fixed surface structure blending into the landscape. I will go further and say that development would not even pass the test set out in paragraph 149 g) of the NPPF as any built development would affect the openness of this part of the Green Belt. That is a view also held by the Borough Council and the CPRE. I will be recommending that this whole section of the plan be removed. I do not therefore need to consider further the representations of a local resident who is opposed to the further development of the site beyond the current complex along with the CPRE and Historic England.

Recommendation

That paragraphs 10.9.1 to 10.9.4 be deleted.

Policy BNP – E1: Designation and Protection of Local Green Space

128. I am satisfied that these two areas of open space meet the criteria set out in paragraph 102 of the NPPF and the policy is consistent with the Secretary of State's approach.

Policy BNP – E2: Creation and Preservation of Wildlife Corridors and Habitats

129. I have no comments to make on this policy, which is in line with Secretary of State policy for recognising the importance of such linear routes.

Policy BNP – E3: Lighting and Maintaining Dark Skies Appropriately

130. I have a serious concern regarding the utility of this policy, which refers to residents' reluctance to see higher levels of lighting than were in place at the start of the plan period. Decisionmakers would not know what the level of lighting was in 2017, and whether that reflected that level of lighting, at that particular location where a proposal is being considered. I will recommend that the first sentence the policy should be removed, as it is not a policy that could be used with confidence by a decisionmaker. I consider that the remainder of the policy provides an appropriate balance between protecting the parish's dark

skies and the community's desire for security and safety during the hours of darkness.

Recommendation

Delete the first sentence of the policy.

Policy BNP-C1: Creation and Preservation of Shared Spaces for Community Use

131. The first paragraph is not actually a statement of what is the planning policy but the justification for the designation. The actual policy is found in the list of shared spaces for community use and the final two paragraphs of the policy.
132. However, the plan does countenance the possibility that the spaces could no longer be considered necessary in the future and to allow some non-residential development. This would not be appropriate for the two local green spaces, which enjoy a high level of protection, to be protected on that conditional basis. I will therefore be recommending that the two local green spaces be removed as designated shared space for community use, so they are solely protected as local green space.
133. Reference to non-residential development to enhance the recreational role of the space “may be allowed” does not give sufficient certainty as to how a decision maker should consider a proposal. I recommend that it be strengthened so that it states that such development “will be allowed”.

Recommendations

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”.***

Policy BNP - C2: Assuring Future of Sites of Community Importance

134. My only comment with regard to this policy is that the final paragraph could not be used to determine a planning application. Accordingly, it can either be moved to the supporting text or separately identified as a community action.
135. The Borough Council has suggested that the support be caveated by reference to national and local plan policy and I consider that would be helpful.

Recommendations

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.

Policy BNP - C3: Supporting Education Facilities

136. I note that the policy support for the educational institutions within the plan area are also required to be compliant with Green Belt policy.
137. I do sense that there is an inherent contradiction within the policy that where a proposal may result in an increase in pupil numbers, on the one hand the policy requires the school to take measures to encourage the use of sustainable

modes of transport yet at the same time it is requiring the provision of more on-site parking. I will seek to introduce some flexibility by allowing them to be an alternative as well as additional requirement. For example, a strong and robust Transport Plan may remove the need to introduce more car parking, which could perhaps erode children's play areas.

138. I do not consider that the availability of additional car parking should be a constraint on what could be marginal increases in pupil numbers, which may, in any event, fluctuate with different year entries. I suggest that this part of the policy should be triggered by proposals which will deliver a significant increase in the capacity of the school rather than just an increase in pupil numbers.

Recommendations

***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”.***

Policy BNP – C4: Supporting Bramley Infant and Nursery School

139. This is a somewhat unusual position in that a development plan policy is proposing to keep options open, whilst discussions taking place between the landowner and the Parish Council are ongoing at the time of the examination of the plan.
140. I find that the submitted policy does not offer a decisionmaker clear guidance on how a planning application should be determined, beyond the fact that the land in question being a Green Belt site, falling within the settlement boundary of the village.
141. The Parish Council has asked for guidance on how this fluid situation can be represented in the plan. The inclusion in the plan or statements, which could prejudice the successful negotiations, would be counter-productive to achieving a successful conclusion to these negotiations.
142. As submitted, I do not find that the policy meets the Secretary of State expectation that neighbourhood plan policy should be clear and unambiguous. That advice goes on to say “It should be drafted with sufficient clarity that a decisionmaker can apply it consistently and with confidence when determining planning applications.” As such I will be recommending that the policy and supporting text be deleted as it does not meet basic conditions.

Recommendation

That the policy be deleted.

Policy BNP – I1: Road Traffic and Pedestrian Safety Management

143. The Borough Council requires planning applications, constituting a major scheme to have to submit a transport assessment with a planning application, which looks not just at traffic generation but also at the modal split for all journeys to and from the site. I consider that the first requirement in the policy is a duplication of a requirement setting out what information is to be provided by an applicant in the Local Validation Checklist. Specifying such matters as the information required to be submitted with a planning application are, in any

event not the purpose of the neighbourhood plan policy, which should be focussed on how an application is to be determined.

144. The second element is also setting out how a planning application is to be considered by planning officers, setting out who needs to be consulted. As procedural issues, I will recommend that both elements of this policy be deleted.
145. In terms of the requirement for major schemes, I support the first element regarding the provision of safe pedestrian routes. However, whether the development would make “a minimal use of road markings, permanent signage or other highway measures to ensure road safety” goes beyond what is ordinarily the remit of the Local Planning Authority and covers matters which I understand are under the responsibility of the Highway Authority. I recommend that this criterion be removed as a statement of planning policy.
146. I have no comments to make on the remainder of the policy which I believe meets basic conditions, although it must be appreciated that developer contributions will only be able to be sought where they would meet the requirements set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.
147. A planning policy cannot dictate how money collected from the Community Infrastructure Levy are apportioned across the district, but clearly it is open to the Parish Council to decide how to spend its 25% contributions on projects. However, these are budgetary decisions rather than a policy on how planning applications are to be determined and I will recommend that the final paragraph be deleted.

Recommendations

Delete the first paragraph and 2 bullet points.

In the second paragraph delete the second bullet point.

Delete the final paragraph.

Policy BNP-I2: Provision of Parking for Cars and Commercial Vehicles

148. I have no comments to make on this policy.

Policy BNP-I3: Management of the Impact of Traffic on Air Quality

149. This policy seeks to require an air quality assessment where development will affect an Air Quality Management Area or an area where there are concerns that air quality objectives may be exceeded. It requires mitigation measures that relate to policies set out in an Air Quality Management Area Action Plans.
150. National advice is that neighbourhood plan policies should be prepared having regard to specialist advice from the local environmental health department. I sought information in my Initial Comments document as to whether there is an Air Quality Management Area in place within Bramley parish or whether air quality was likely to be close to exceeding statutory limits.
151. I was informed that there are no Air Quality Management Areas in Bramley. Whilst I note the Parish Councils concerns regarding air quality, these are not

backed up by the NO₂ readings, recorded in the High Street which would justify this policy. I therefore do not consider the policy is supported by evidence and I will be recommending that it be deleted.

Recommendation

That the policy be deleted.

Policy BNP – I 4: Encouraging Journeys on Foot and by Bicycle

152. My initial assessment was that the requirements for that development of five or more dwellings on unadopted roads must make up the roads to public highway standards would be an onerous requirement. The Parish Council has responded by proposing alternative wording, requiring “access roads must be sufficient for use without danger or damage to emergency and public service vehicles, standard cars and bicycles”. It could be argued that in some places, the public roads would not meet that standard.
153. I do consider that if the condition of the unadopted road meant that it was unsuitable for taking additional traffic, it could be the basis of seeking to negotiate improvements. However, the process of decisions relating to private streets is complicated and if that requires the consent of the other landowners/ frontagers for the undertaking of works, that could then, effectively, offer other residents a veto on further development. I will therefore include within the policy, encouragement to seek improvements where are justified. I do not consider that it is likely to be a reason for refusal.
154. Again, I have no concerns regarding the desire to seek contributions to enhance the public rights-of-way network, but these need again to meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.
155. A development plan policy, which would have the status of a development plan document if the neighbourhood plan is made, it could not dictate how proposals which conflict with a draft local plan policy, which has to still go through further public consultation and public examination, are to be determined. I will therefore recommend that the final paragraph be deleted.

Recommendations

***In the second sentence, replace “shall” with “will be encouraged to”
Delete the final paragraph.***

Policy BNP – I5: Improving Digital Connectivity

156. My only concern with this policy relates to requiring developers to provide the best possible mobile and broadband connectivity. It is only a mobile phone or Internet provider that can determine the level of service to be provided, but it is appropriate the developers put in the necessary infrastructure, such as ducting etc to enable the service to be provided.
157. I will recommend a suitable amendment.

Recommendation

In the final paragraph after “investing” insert “in the necessary infrastructure such as ducting”.

Policy BNP - I6: Use of Downs Link through Bramley Village

158. This is not a neighbourhood plan policy, but a statement as to what is within the adopted local plan and is being proposed by the Borough Council in its emerging local plan. I will be recommending that it be deleted as it is not a statement of neighbourhood plan policy.

Recommendation

That the policy be deleted.

Policy BNP - L1: Supporting Retail Businesses

159. Since September 2020, a new Use Class E has been introduced which replaced, inter alia, former Use Classes A1, A2, A3, A5 and B1 with a new commercial, business and service use class which provides much greater flexibility in terms of how commercial premises can be used as changes between them would not constitute development. This sits alongside new permitted development rights which allow changes of use of vacant premises to residential.

160. These changes will remove much of the ability of the plan to prevent the loss of what are currently retail uses to other uses and actually will undermine the objectives of the policy. However, within the limits of planning control, the policy can be amended to reflect the availability of great flexibility in the High Street. I will recommend a revised wording.

161. The position regarding rural shops is different, in that the new Use Class F2 refers to shops “mostly selling essential items including food to those to members of the public”. Such uses would not apply to premises in Bramley High Street. The policy can seek to prevent the loss of such shops unless it is shown not to be viable through, for example, evidence of marketing.

162. The expansion of the commercial units at Smithbrook Kilns and Birtley Courtyard would not be in accordance with Green Belt policy and therefore would contravene the basic conditions in terms of compliance with national Green Belt policy, unless that expansion is limited to the extension of the commercial units as set out in paragraph 149c) of the NPPF.

Recommendations

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 floor use is a use that is appropriate to the local centre.”

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.”

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”.

Policy BNP – L2: Supporting Non-Retail Businesses

163. This policy raises the same issues in respect of Smithbrook Kilns and Birtley Courtyard as discussed above and that policy does include commercial as well as retail uses. Effectively this policy duplicates Policy BNP- L1 in respect of these two sites.
164. Bramley Business Centre is still located with the Green Belt although it is within the settlement boundary. I consider that the policy for its expansion is still restricted by Green Belt policy and I will recommend that the expansion be limited to non-disproportionate enlargements of existing buildings.
165. The residential conversion of such premises is already covered by Policy BNP-G2 which deals with the conversion of commercial sites to residential use and this element will be unnecessary duplication.

Recommendations

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”.

Delete the second paragraph.

Policy BNP – L3: Supporting the Rural Economy

166. Whilst the conversion of buildings would not conflict with Green Belt policy, the construction of new buildings would, if they were to be used for purposes other than directly required for agriculture or forestry.
167. The broadening of the agricultural economy through farm diversification and food and drink processing can be supported if it is to take place through the conversion of existing buildings. Beyond new buildings required for forestry management, Green Belt policy would not support the construction of new buildings for non-agricultural uses but they could be supported by the conversion of existing buildings. I consider that is already covered by other policies and does not require unnecessary duplication of policy.

Recommendations

In the first bullet point, delete all text after “where appropriate”.

In the second bullet after “businesses” through the conversion of existing buildings”.

Delete the final paragraph and bullet points.

Policy BMP – L4: Supporting the Visitor Economy

168. This policy which supports limited additional visitor accommodation can be consistent with Green Belt policy so long as it through the use of existing buildings or non-disproportionate extensions to existing buildings. The proposal should not require the construction of new buildings which would undermine the objectives of retaining the openness of the Green Belt.

Recommendation

In the final sentence after “accommodation” insert “achieved through the conversion and or extension of existing buildings”.

The Referendum Area

169. 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 Bramley Neighbourhood Plan as designated by Waverley Borough Council on 10th April 2017 is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

Summary

170. I congratulate Bramley Parish Council on reaching this important stage in the preparation of the neighbourhood plan. I appreciate that a lot of hard work has gone into its production and the Parish Council can be proud of the final document, which is professionally presented.

171. The Plan has sought to have taken a positive approach to development and unfortunately, I have had to temper some of the plan’s ambitions in order that the plan can meet the basic condition of having regard to the Secretary of State’s approach to development in the Green Belt. Having said that I believe the document and its policies will form a sound basis for determining planning applications in the parish into the future.

172. To conclude, I can 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 and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.

173. I am therefore delighted to recommend to Waverley Borough Council that the Bramley Neighbourhood Plan, as modified by my recommendations, should proceed, in due course, to referendum.

JOHN SLATER BA(Hons), DMS, MRTPI
John Slater Planning Ltd
16th August 2021