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Sydenham Neighbourhood Plan Group

12th December 2019

Response to the Independent Examiner's Clarification Note of 2 December 2019

The Independent Examiner's questions to Sydenham Parish Council are underlined, with Sydenham Parish Council's Neighbourhood Plan Group (SNPG) responses directly following each question. In addition, SNPG has commented on all Representations made on the Plan. We will incorporate amendments as appropriate once all comments have been received from the Examiner and SODC.

Policy SYD1

Are the two settlements in the neighbourhood area of a sufficient size to warrant a village boundary approach in the Plan?

The SNPG is not aware of any minimum size requirements for the use of a village settlement boundary. However, it is aware of other 'small villages' (Brightwell cum Sotwell and Berrick Salome) and of at least one 'other village' (Roke) having settlement boundaries designated in made NPs in South Oxfordshire. Indeed, the recently made Berrick Salome NP is especially informative as it successfully evidenced and argued that the settlements of Berrick Salome and Berrick Prior are distinct as they are separated by a gap of similar character and size as that between the two parts of Sydenham Village.

According to SODC Settlement Hierarchy the Emmington Inn end of the village is designated as an 'other village' while the Crown end of the village is designated as a smaller village. The SNPG considers that using settlement boundaries is warranted to address this difference of designation (and see later comments).

The village consultation survey evidenced overwhelming support for the draft objectives (as below).

The SNPG along with its Planning Consultant decided that the clearest way to meet Objectives 2 and 3, defined here:

Objective 2 "To conserve and enhance the essential rural character of Sydenham Parish by growing the village in small places that form part of the established pattern of development and by conserving the existing network of green spaces, trees, and hedgerows"; and

Objective 3 "To sustain the sensitive landscape setting of Sydenham Parish and the intrinsic relationship between 'village' and green spaces, by avoiding harmful development and by preventing any further elongation of the village into the countryside or precious village green spaces"

was to define a Village Settlement Boundary in Policy SYD1:

“The Neighbourhood Plan defines two Village Boundaries for Sydenham (The Crown end and the Emmington Inn end), as shown on the Policies Maps.

Proposals for small scale, infill development within the village boundaries will be supported, relative to their specific settlement hierarchy classifications and requirements, provided they accord with the design and development management policies of the development plan and other policies of the Neighbourhood Plan.

Proposals for development outside the boundaries will only be supported if they are appropriate to a countryside location and they are consistent with local development plan policies.”

This policy seeks to protect the intrinsic rural character of the village, by clearly defining the edges of both the rural elements of the parish, as well as the green spaces within the parish.

The village consultation survey results showed that village respondents were very strongly in favour of infill development (75% of respondents) and brownfield development (70% in favour), and very strongly not in favour of backfill development (83% of respondents were against this) or greenfield development (96% were against this). To represent these views of the villagers in the policies, the clearest way of doing so was felt to define the village settlement boundary.

Policy SYD2

I can see the analysis in paragraph 5.14. Nevertheless, is the approach on 2- or 3-bedroom houses too prescriptive? In any event how would that approach relate to the probable size and location of infill development which will arise in the Plan period?

As argued in the Basic Conditions Statement, the SNPG does not believe this approach is unnecessarily prescriptive, because:

1. There is such a significant imbalance between the current housing stock in Sydenham and the desired balance of housing (by bedroom number) in South Oxfordshire District Council (SODC);
2. There will be few infill opportunities in the village in the plan period to address this imbalance and so every one of them should be taken;
3. The informal review of potential infill schemes as part of the Character Analysis indicates that there ought to be no practical reasons why schemes of 2 and/or 3 bed houses cannot be successfully delivered and smaller houses (than the normal 4+ bed scheme) will make a more efficient use of scarce developable land in any event;
4. Question 12 in the village consultation survey shows that the most useful houses to the respondents will be 2 & 3 bed houses and retirement houses; and

The village is losing three 3 bed houses from Sydenham Grove when it is developed by South Oxfordshire Housing Association (SOHA), which will be replaced with 4 and 5 bedroom houses – that application has been a key driver of this policy and clearly shows how the market (including even affordable housing providers) will respond to development opportunities if the plan-led system cannot manage this issue.

Policy SYD3

Am I correct to assume that the inconsistencies in the design principles relate to rogue bullet points which have affected the natural flow of sentences/principles?

Yes, you are correct that the formatting of this policy needs to be tidied up and rogue bullet points removed.

Policy SYD6

I understand the intended purpose of the policy. I saw first-hand the scale and nature of the existing gap.

However, given the contents of paragraph 5.22 is the designation of a local gap necessary?

I looked carefully at the NW and SE boundaries of the proposed Local Gap and noticed the way that they cut artificially through field boundaries.

Was this approach intentional?

Will these boundaries be capable of being applied consistently through the development management process?

The SNPG believes that the policy is necessary. It is the role of the plan-led system to identify and evidence land that is acceptable in principle to develop and land that is not. A plan-making exercise like this one presents the opportunity to consider both at the same time and to incorporate past planning application decisions into policy for the clarity of future applicants. The decisions cited in §5.22 do set a degree of welcome precedent, but future applicants will benefit from the clarity provided by the policy in setting what types and designs of development may be acceptable in the gap.

Referring back to the SNPG comments on Policy SYD1, earlier on in this document, it was felt that clearly defined settlement boundaries as well as clearly defined green spaces were the optimum method to meet the very strongly supported NP objectives (as defined in the response to your comments on policy SYD1).

The definition of the Local Gap boundary has followed plan making convention and case law in including only the minimum area of land that is essential to preventing the visual coalescence of the two parts of the village. This approach reflects the fact that there are no significant physical features (e.g. tall hedgerows or trees or boundary walls) that contain the views from one part to the other. The northern and southern boundaries therefore follow the line of sight from the main developed corners of the edge of each part. With this clarity of area definition, and with the policy wording making clear what types and designs of development are and are not supported, there is no reason why this policy cannot be applied consistently to future proposals.

Policy SYD7

By what means were the views identified?

To what extent are the views to the north and south of the proposed Local Gap specific to their identified locations (rather than typical of the views available in this part of the village)?

The views are identified in the Character Appraisal in the evidence base, which was prepared following a walk around of the Village on 18th June 2018 by the SNPG's Planning Consultant and members of the SNPG. The goal was to identify those views from public vantage points (e.g. roads, open spaces and public footpaths) that are 'above the norm' in playing a special role in defining the rural character of the village. They therefore comprise a mix of the few remaining glimpses between buildings through to the countryside beyond and of the wider, panoramic vistas, especially to the Chilterns to the south. It is very common for such character appraisals to identify these types of feature, especially in respect of defining their significance to the character of a Conservation Area and other heritage assets. Applicants will be able to inform themselves of the specific character of a view in close proximity to their proposal by reviewing and responding to the Character Appraisal, which will remain a publicly available document.

The specific views notated on the Policies Map show the points at which the special quality of each view is at its most dramatic, as the extensive vistas are quickly revealed on the exit of the two parts of the village and again once the line of tall trees (along the Slade Farm access on the southern side) is passed heading west. However, the enjoyment of the vistas continues along the length of the gap northwards and southwards.

SNPG made the following comments on all representations made on the Sydenham Neighbourhood Plan

Response 1 - Individual

Not relevant to housing policy

Response 2 - Individual

Noted with thanks

Response 4 – National Grid

No relevant apparatus within the NP Area

Response 5 – Thames Water

Happy to add this wording in section 6 of the NP

Response 7 – Local

For clarity, the Character Appraisal intended to identify the buildings comprising 1-3 and 4-5 The Green (together with the listed Thatched Cottage (UID: 1059652)) as a group of local heritage interest and they are correctly shown on the Policies Map. Appendix 3 of the Appraisal correctly explains that this group value extends beyond any intrinsic historic value of the buildings themselves to include their definition of the green space, which is contained by them all in combination. Only the addresses used in the Appraisal are incorrect and they will be corrected.

The comment on the view is not considered relevant as it refers to a private view not a public view.

Response 8 – Historic England

SYD3 – being re-formatted to remove rogue bullet points

SYD7 – The Character Appraisal explains a little more about the views and is a publicly accessible document that can be referred to by applicants in due course.

Response 10 – Oxfordshire County Council

There is no obligation for the NP to identify every potential heritage asset in Policy SYD4. The Character Appraisal sought to identify local heritage assets that contributed to the special character of the village, which will naturally be buildings (or exceptionally the visible earthworks of the shrunken village) that can be seen and enjoyed. The absence of below ground archaeology from the policy does not render it at greater risk from development proposals as other national and development plan policies ought to ensure such matters are properly addressed in planning applications.

Response 11 – SODC

The detailed response from SODC is address below:

Ref.	SNPG Response
1	SNPG is happy to move the Policy Map to the front of the document, alongside the first policy

2	SNPG is happy to add the specific wording
3	SNPG is happy to add the specific wording
4	SNPG is happy to change the spelling
5	SNPG will amend paragraphs 3.4 to take out the reference to 5% increase in dwelling numbers, to bring it in line with the Core Strategy Policy CSR1 for smaller and other villages of having no defined requirement to contribute towards delivering additional housing (beyond windfall and infill development). Similarly, paragraph 3.9 will be amended to reflect the fact that Policy H8 in the Emerging Local Plan 2034 is similar in approach to Policy CSR1 in the Core Strategy.
6	SNPG will delete the word “very” SNPG will keep its designation of two parts of the village as referenced to the two Public Houses in the two ends of the village. The issue stems from SODC’s description of the eastern end of the village as a distinct, separate village (‘Emmington’) in its hierarchy, when it is in fact part of Sydenham and the community does not regard them as different. As the two pubs are well-established and important social assets of the village, our compromise of using them to distinguish between its two parts seems sensible.
7	SNPG considers that it has given a reason as to why backland development is not acceptable in the Character Appraisal and this is explained in §5.8. Its suggestions for text amendments are unnecessary, though a cross reference to NPPF §70 can be added.
8	SNPG will include the proposed wording Para 5.10
9	Housing mix – see SNPG’s response to the Independent Examiner’s Clarification Note question on Policy SYD2. It ought to be clear that there is no prospect of an infill scheme coming forward for 10 or more dwellings in the village. On the face of it, we can see no practical or viability issues that would make this policy unreasonable. If an applicant can demonstrate why it is not possible to adhere to this policy requirement then they will have the opportunity to do so in their Planning Statement. We will therefore not welcome a change to this policy.
10	Formatting will be amended We are satisfied that policy SYD3 is clear
11	The Character Appraisal is referenced in §5.16. If it is proposed that this reference is also added to the policy wording, then there is no objection. The Appraisal cannot be in conflict with District guidance as it simply identifies as a matter of fact the presence of certain features that are then judged to be of special value, either individually or collectively. We disagree with the suggested detailed changes suggested as we do not consider they improve the clarity of the policy.

12	<p>Where, as here, there is no existing Conservation Area Appraisal prepared by the local planning authority, the evidence to support the identification of local heritage assets has to be proportionate and related to the resources available to the project. The former English Heritage guidance has been used and synthesised to set out a simple approach, namely to identify buildings that have local historic, archaeological or social value (sourced from the Oxon HER) and those that have villagescape value, either on their own or as a group. It is not necessary for a building that contributes to the character of a group to have its own intrinsic heritage interest. Only its group value will therefore be relevant to determining future development proposals, as has been the case in Conservation Areas for many years.</p> <p>The list in Appendix 3 of the Appraisal makes this distinction and provides a brief explanation of the nature of the local heritage value. The Appraisal also includes photos of some of the buildings, though we can add further photos if deemed necessary. This approach is precisely the same used in Conservation Area Appraisals, both SODC and others, in identifying 'significant local buildings'.</p>
13	<p>This is fully shown in Submission Plan insert A, the wording of SYD5 will be amended to specifically refer to this map</p>
14	<p>Depending on comments back from the examiner with respect to SYD6 following SNPG's clarification</p>
15	<p>A new plan is unnecessary and we have no additional resource to prepare new maps for the document. The NP was submitted before the conclusions of the Berrick NP examination. If the examiner wishes to amend the wording to match that of Berrick then we have no objection.</p>
16	<p>Answered in SNPG clarification to SYD7</p>
17	<p>Disagree – this is unnecessary. There are many made NPs that have used this same approach.</p>
18	<p>The Insets have been chosen to enable the policies to be accurately shown at a suitable scale and we do not propose amend them. However, we agree that a new colour for SYD8 should be used.</p>
19	<p>The SNPG does not consider this relevant to the NP, however the PC have recently sent out a survey with respect to leisure activities in the village</p>

Response 12 – Natural England

No specific comments

Response 13- Individual

No comment received

TG left the meeting when the following responses were discussed

Response 3 – Individual

Response 6 – Individual

Response 9 – Agent JCPC

Remaining members of SNPG discussed contents of Responses 3, 6 & 9 and Conflict of Interest.

Conflict of Interest

Reply

Comment that there are no “conflicts of interest” recorded in the minutes as the “SNPG was being prepared by residents” is because that they were none that the group was aware of. Allegation when raised was immediately investigated and the outcome was decided that there was no “conflict of interest” in the opinion of the members. This was advised in writing to the complainants, along with a commitment that the member would not be involved in any future discussion of the areas raised by the allegations.

Further discussion took place around the allegations and the following timeline was discussed:

First application for development next to Park Villa was made in Sept 17, to which the Parish Council responded in Jan 18 saying the village gap/ribbon should be maintained. SODC agreed in Jan 18 (initial decision) to refuse the application. Subsequent to that, the PC again reinforced that for the appeal in June 18 and the Inspector reinforced this in his decision in July 18. All of this was done before the development of any policies by the SNPG. The village meeting on 4 Sept 18 was the starting point for establishing visions and objectives. Another planning application made in Oct 17 for the other side of the road and the PC responded in Nov 17 agreeing that the gap should be protected. Formal objections were made by the PC for both sides of the road. Another planning application was made in Feb 18 and again the PC responded in March 18 (and SODC) saying “no”.

It is important to note that comments were also received in both instances from residents supporting the view of PC/SODC.

It is clear that the SNPG have taken an existing approach/position in relation to planning applications of the village, put by the PC, supported by the residents and SODC and reinforced by the inspector’s reports to maintain the “gap”. All completed far in advance on the formulation of the Neighbourhood Plan policies. The formalisation of this existing strongly held view was made by the SNPG’s Planning Consultant and there is clear, strong evidence that this was the village’s view and not a view formulated by any member of the SNPG.

It is incorrect of the respondents to say that no response was made to them, as one was sent to JCP on 25/4/19 offering to answer any further questions, however no further communication has been received by the SNPG.

Inconsistent/lack of opportunities for some stakeholders in the village to contribute to the process of constructing the Plan.

Reply

All the details of the consultation process are detailed in the consultation statement covering the period from November 17 until the issue of the draft NP. These include 2 public meetings (advertised through mail drops and newsletter distributed to all the houses in the parish.) Other methods of advising that the process was underway was communicated via Sydenham snippets (e-mail communication), Facebook, the Parish Council minutes and the village newsletter - published approx. every 2 months.

Landowners that were affected by the proposed plan were written to separately by the PC. It was hoped that one of these methods would alert all those who were interested in the NP would become aware either directly or indirectly of the process being underway as they would be likely to have a degree of communication with the Parish /village/ villagers.

Lack of Transparency

Some minutes missing

Reply

This is correct, this is an error and these have now been uploaded. At no time prior to the issue of the draft was any communication received expressing concern about this, or highlighting that they were missing.

The group's Code of Conduct was not agreed until 3 March 2018.

Reply

The production and agreement on the CoC was indeed being agreed over the initial months following the formal launch of the NP process at the village meeting in February 2018, but its final formalisation has had no impact upon the process or decisions up to that stage. Indeed the final NP would be bound by this CoC.

Failure to meet the Vision.

Reply

The actual Vision is: *"To preserve Sydenham Parish's rural village environment, by ensuring that appropriate development occurs within the area, recognising the need for a balanced community"* not as suggested *"Creating a positive framework to guide the location of new homes."*

We therefore believe that the NP does indeed reflect the vision.

Enc: Sydenham Parish Council letter to JCPC dated 25th April 2019 is available in attachment 1