

EXAMINER'S QUESTIONS (02/AM/CANP)

WEST BERKSHIRE DISTRICT COUNCIL RESPONSE

November 2023

Policy CAP1: Location of Development

Examiner:

Question 1: Paragraph 2 of Policy CAP1 refers to the Green Gaps which are shown on Figure 6. These, as explained in paragraph 4.8 of the CAPNDP, are an extension to those illustrated in Figure 5 and which, in turn, are derived from the West Berkshire Appropriate Countryside Designation Study 2022. The Green Gaps are defined in the West Berkshire Local Plan Review (WBLPR) which is currently being examined. Policy DM2 of the WBLPR describes the policy to be applied.

Given the definition of the Green Gaps in the WBLPR, does WBC consider that their proposed extension in the Neighbourhood Plan is a strategic matter and more properly dealt with at Local Plan level?

Council response:

West Berkshire District Council (WBDC) consider that the proposed extension of Green Gaps is a strategic matter and should be dealt with at Local Plan level.

The interface between neighbourhood plans and local plans is set out within paragraph 13 of the National Planning Policy Framework (NPPF)¹ in addition to paragraph 004 (reference ID: 41-004-20190509) of the Planning Practice Guidance (PPG)². Both paragraphs make clear that neighbourhood plans must support the delivery of the strategic policies that are contained within local plans. Neighbourhood plans should therefore contain only non-strategic policies.

The scope of strategic policies is clarified within paragraph 20 of the NPPF. Such policies "...should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for.... conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure...".

Before neighbourhood plans can come into force, they must meet a set of tests known as Basic Conditions. These include having regard to national policies and guidance issued by the Secretary of State, and also being in general conformity with the strategic policies contained within the strategic policies contained within the development plan for an area,

The current Local Plan sets out WBDC's planning policies up to 2026, and a review of the Local Plan (termed the 'Local Plan Review') to cover the period to 2039 is well advanced, with the LPR currently undergoing independent examination.

¹ NPPF: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

² PPG: <https://www.gov.uk/guidance/neighbourhood-planning--2>

The adopted West Berkshire Core Strategy Development Plan Document 2006-2026 (DPD)³ is one of three documents that comprises the Local Plan. Policy ADPP1 (Spatial Strategy) of the Core Strategy is a strategic policy which sets out the development approach will be based upon three spatial areas, one of which is Newbury and Thatcham. The Parish of Cold Ash lies within this spatial area. The approach of policy ADPP1 is maintained within policy SP1 (Spatial Strategy) of the submission LPR⁴.

Policy CS19 (Historic Environment and Landscape Character) of the Core Strategy DPD seeks to ensure that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character, so as to create a strong sense of place and local identity.

The principles of policy CS19 have been maintained within policy SP8 (Landscape Character) of the submission LPR. Policy SP8 is a strategic policy.

As part of the preparation of the LPR, it has been identified that the pressure for development within the Newbury and Thatcham spatial area has the potential to lead to the loss of the separate and distinct identity of both settlements, in addition to the settlements surrounding them, through coalescence.

The West Berkshire Appropriate Countryside Designation Study⁵ was prepared in October 2022 to determine if a specific planning designation was needed to safeguard the unique characters and separate identities of the individual settlements within the Newbury and Thatcham Spatial Area.

The Study has assessed the area to the north of Thatcham (including the settlements of Cold Ash and Ashmore Green). It recommends that two parcels of land within the designated Neighbourhood Area are designated as Green Gaps. Policy DM2 (Separation of Settlements around Newbury and Thatcham) of the submission LPR identifies these two parcels of land as Green Gaps. In defining the extent of the gap, no more land than is necessary to prevent the coalescence of settlements has been included.

The extension of the two parcels of land identified within LPR policy DM2 to cover the wider area between Thatcham, Cold Ash, and Ashmore Green is contrary to paragraphs 13 and 20 of the NPPF. It is also contrary to paragraph 004 (reference ID: 41-004-20190509) of the PPG. It is also not in general conformity with the strategic policies of the development plan.

WBDC therefore considers that Green Gaps have already been dealt with at the Local Plan level.

³ West Berkshire Core Strategy 2006-2026 DPD: <https://www.westberks.gov.uk/corestrategy>

⁴ Submission West Berkshire Local Plan Review 2022-2039: https://www.westberks.gov.uk/media/53945/Proposed-Submission-Regulation-19-West-Berkshire-Local-Plan-Review-to-2039-Clean-Version/pdf/LPR_2022-2039_Proposed_Submission_for_consultation_20_Jan_2023_for_web.pdf?m=638096652954630000

⁵ West Berkshire Appropriate Countryside Designation Study (2022): https://www.westberks.gov.uk/media/53791/West-Berkshire-Appropriate-Countryside-Designation-Study/pdf/West_Berkshire_Appropriate_Countryside_Designation_for_web.pdf?m=638103394389630000

Policy CAP8: Iconic Views

Examiner:

Question 2: Policy CAP8 lists Iconic Views, with viewpoints shown on Figure 13. Further details are shown in Appendix B of the CAPNDP, including the places from where photographs of the views are taken. I have concerns about whether the photographs showing V2 and V6 have been taken from publicly accessible locations.

V2: When viewed from The Ridge, albeit glimpsed through the vegetation bordering the road, the field appears to be more dominant in the foreground. The photograph appears to have been taken from well into the privately owned field, away from the road, and which makes the distant woodland seem much closer.

V6: On my site visit, I found it difficult to identify the point from which the photograph showing V6 was taken. Figure 18 of the CAPNDP accurately shows Fishers Lane as a Sunken Lane. The views from adjoining gardens facing westwards could fall within the definition of “iconic” in the CAPNDP, but my perception of the photograph from V6 is that it may have been taken from the upper floor of an adjoining house.

Comments from CAPC would be welcome.

Council response:

The examiner is seeking a response to this question from Cold Ash Parish Council only.

Policy CAP15: supporting commercial businesses existing and expansions

Examiner:

Question 3: In the Regulation 16 representations, WBC state that to ensure that the Basic Conditions are met, modifications are required. Please could WBC suggest how the policy should be modified.

Council response:

WBDC's representation⁶ on the submission Cold Ash Neighbourhood Development Plan (NDP) recommended that modifications be made to policy CAP15 to ensure that the policy has regard to paragraphs 84 and 85 of the NPPF, and is also in general conformity with policy CS10 (The Rural Economy) of the Core Strategy DPD.

Paragraph 84 of the NPPF requires planning policies to enable the sustainable growth and expansion of all types of business in rural areas, through the conversion of existing buildings and well-designed new buildings. It also identifies that policies should enable the diversification of agricultural and other land-based rural businesses.

In cases where sites need to be found adjacent to or beyond existing settlements, or in locations not well served by public transport, paragraph 85 of the NPPF states that development should be "...sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist."

Policy CS10 of the Core Strategy supports proposals to diversify the rural economy, particularly if they are located in or adjacent to Rural Service Centres and Service Villages. This approach is maintained within policy SP1 (Spatial Strategy) of the submission LPR.

In addition to the above, and upon reflection when preparing this response, WBDC have identified the following:

- *Policy title: the title refers to 'expansions'. Through supporting commercial businesses, proposals for the expansion of new and existing premises will in turn be supported. For clarity, it is suggested that the reference to 'expansions' is removed.*
- *Justification, Paragraph 9.3, 2nd sentence: it needs to be specified that the Red Shute industrial estate is designated as a Protected Employment Area in the Local Plan. This is for factual accuracy, and to align with strategic policies CS9 (Location and Type of Business Development) of the Core Strategy and SP20 (Strategic Approach to Employment Land) of the submission West Berkshire Local Plan Review.*
- *Justification, Paragraph 9.3, 3rd sentence: for clarity, and to align with the strategic policies of the Local Plan (Core Strategy policy CS9 and submission LPR policy SP20), it needs to be specified that smaller scale sustainable growth will be supported in areas*

⁶ WBDC representation to the submission Cold Ash NDP (August 2023): https://www.westberks.gov.uk/media/56548/WBDC-Comments-Cold-Ash-NDP-Regulation-16/pdf/WBDC_response_-_Cold_Ash_NDP_Reg_16_v2.pdf?m=638315022735400000

within the Parish. This is because larger scale proposals will take place at Red Shute Hill.

- Policy CAP15, 1st paragraph: reference is made to ‘service’ activity. For consistency with the strategic policies of the Local Plan (Core Strategy policy CS9 and submission LPR policy SP20) and the Protected Employment Area designation, it is recommended that the term ‘service’ activity is deleted.
- Policy CAP15, 1st paragraph: reference should be made to proposals within the Red Shute industrial estate. This will ensure general conformity with strategic policies ADPP3 (Thatcham) and CS9 (Location and Type of Business development) of the Core Strategy, in addition to strategic policies SP1 (Spatial Strategy) and SP20 of the submitted West Berkshire Local Plan Review. These policies require that business development takes place within the Designated Employment Areas (referred to as Protected Employment Areas within policy CS9).

WBDC suggest that the following modifications are made to policy CAP15 and its supporting text:

Policy CAP15: Supporting commercial businesses ~~and expansions~~

Purpose

9.1. This policy seeks to encourage....

Justification

9.2. Historically, farming has been...

9.3. Cold Ash village has retained a post-office, general-purpose grocery shop, and two pubs. The main commercial area in the parish is the Red Shute industrial estate, a designated Protected Employment Area in the Local Plan, in the northern part of the parish. Larger-scale commercial activity should continue to be focussed on this site, although **smaller-scale** sustainable growth, for instance through the conversion of existing vacant or underused buildings, which are ‘suitably located’ and of appropriate scale, form and high-quality design, and which adhere in total to the policies set out in this plan, will be supported in the Parish; ‘suitably located’ means where they do not adversely affect the locality and the amenities of residents.

9.4 A further significant....

POLICY CAP15: SUPORTING COMMERCIAL BUSINESSES, ~~EXISTING AND EXPANSIONS~~

Proposals for new or expanded commercial, **and** business ~~and service~~ activity (Use Classes B2, B8 and E(g)) will be supported at within the Red Shute industrial estate ~~or~~, where they bring redundant or vacant land based rural operations back into use, or where they help to diversify the rural economy, subject to the following criteria:

- a. the proposal, including any associated premises, would not have unacceptable harmful impacts on the local environment;
- b. the proposal would not have unacceptable harmful impacts on the amenity of neighbouring uses, particularly residential, through excessive noise, smell, lighting, vibration or other emissions or pollution; and
- c. the proposal would not have unacceptable adverse impacts upon the local road network.

d. the proposal respects the character and appearance of the immediate locality in terms of height, scale, design, and massing;

e. the proposal would encourage the re-use of previously developed land where opportunities exist;

Conformity Ref: CAPNDP Objectives: 6; Adopted Core Strategy: ADPP2, CS9; Local Plan Review: SP1, SP20; NPPF: 81, 82, 84, 85, 86

Policy CAP16: Supporting SMEs, flexible start-ups, and homeworking

Examiner:

Question 4: In the Regulation 16 representations, WBC state that to ensure that the Basic Conditions are met, modifications are required. Again, I would be grateful if WBC might indicate how the policy should be modified.

Council response:

WBDC's representation on the submission Cold Ash NDP recommended that modifications be made to part 2 of policy CAP16 to ensure that the policy has regard to paragraphs 84 and 85 of the NPPF, and is also in general conformity with policy CS10 (The Rural Economy) of the Core Strategy DPD.

Paragraph 84 of the NPPF requires planning policies to enable the sustainable growth and expansion of all types of business in rural areas, through the conversion of existing buildings and well-designed new buildings. It also identifies that policies should enable the diversification of agricultural and other land-based rural businesses.

In cases where sites need to be found adjacent to or beyond existing settlements, or in locations not well served by public transport, paragraph 85 of the NPPF states that development should be "...sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist."

Policy CS10 of the Core Strategy supports proposals to diversify the rural economy, particularly if they are located in or adjacent to Rural Service Centres and Service Villages. This approach is maintained within policy SP1 (Spatial Strategy) of the LPR.

In addition to the above, and upon reflection when preparing this response, WBDC have identified the following:

- Paragraph 9.6 of the supporting text suggests that the purpose of the policy is to encourage small businesses, which may be from a home environment. However, it seems to be confusing this with homeworking in the sense where office workers work from home. Homeworking is generally permitted development (in which case this policy would not need to be considered), but the intention is to allow non-residents to be employed, thus going beyond what is 'home working'. WBDC therefore suggest that the reference to homeworking within the policy is removed. In cases where homeworking is not permitted development, it can still be assessed under this policy and other development plan policies.
- Criterion 1b of the policy allows only an office use. A 'creative small industry' would not be compliant with 1b as it may not be office E(g)(i). Anything other than an office would fail to comply with the policy. To allow flexibility for other employment uses, it is suggested that 1b is removed. Extensions could be covered within criterion 1a by the inclusion of "...new buildings, or extensions to, or conversion of existing buildings...".

WBDC suggest that the following modifications are made to policy CAP16 and its supporting text:

Policy CAP16: Supporting SMEs, and flexible start-ups, ~~and homeworking~~

Purpose

9.6. This policy recognises the growing contribution of home-based and smaller businesses to the parish and seeks to encourage opportunities for them. This would provide a greater incentive and opportunity for local people to work locally. ~~Homeworking is defined as a person who is working from their house, apartment, or place of residence, rather than working from the office.~~

Justification

9.7. Cold Ash has a well-qualified workforce, but with most people working outside the parish, the supply of higher value job opportunities in the parish is limited. This suggests a need to consider attracting specialist companies to relocate to the parish (as supported in our in Policy CAP15) and/or encouraging new start-ups. To provide flexible start-up space, it is necessary to encourage appropriate buildings that can be rented out at sufficiently low rents to attract their use by business start-ups and existing home workers. A potential source of such space in Cold Ash Parish is vacant farm and rural buildings.

~~9.8. —As homeworking becomes more possible, this can be encouraged by supporting the creation of spaces for uses which can be carried out in a residential area without detriment to its amenity, for instance home office spaces. The intention is to allow non-residents to be employed from the domestic premises, albeit subject to the activity meeting the limitations set out in Clause 2 of the policy. Such a policy does give encouragement to economic activity within the parish whilst incorporating controls to prevent activities having a detrimental impact on the amenity of the locality. This policy only applies where the scale of activity is such that there is a need for planning permission, as much working from home can take place without planning consent being required.~~

9.9. To support SMEs and start-up businesses ~~homeworking and other activities~~, all new residential, commercial and community properties within the parish should be served by (or be ready for) a superfast broadband (fibreoptic) connection, unless it can be demonstrated through consultation with British Telecom that this would not be either possible, practical or economically viable. The Parish Council will explore, with the local authorities and commercial providers, opportunities for this and the deployment of improved mobile coverage in the parish.

Policy CAP16: Supporting SMEs, and flexible start-ups, ~~and homeworking~~

1. ~~Proposals to provide working spaces that encourage homeworking and creative small industries, for instance through incubator/start-up business space on flexible terms, will be supported through:~~

- ~~a. The provision of new buildings, or extensions to, or conversion of existing buildings, including redundant farm and rural buildings; and~~
- ~~b. enabling extensions and small new garden buildings to facilitate homeworking, within Use Class (E(g)(i).~~

2. *As appropriate to their scale, nature and location, proposals must:*
- a. *respect the surrounding rural landscape and not compromise or reduce the amenities of neighbouring residents and other users and its setting in regard to size, light pollution, noise, dirt, smells or smoke, air pollution, or loss of wildlife habitat; and*
 - b. *not have any unacceptable impact on the local road network; and*
 - c. *work in harmony with agriculture and other land-based activities and rural recreational activities and*
 - d. *be accompanied by appropriate protected species and habitat surveys, avoid adverse impacts on biodiversity and seek to achieve a net gain through enhancements; and*
 - e. *seek, where possible, to sustain any historic, architectural or archaeological interest the building may have either individually or through association with one or more heritage assets, unless unavoidable harm is justified on the basis of the public benefits, including the enabling of the building's optimum viable future use; and*
 - f. *respect the character and appearance of the immediate locality in terms of height, scale, design, and massing; and*
 - g. *encourage the re-use of previously developed land where opportunities exist.*

Conformity Ref: CAPNDP Objectives: 6; Adopted Core Strategy: CS9; Local Plan Review: SP1, SP20; NPPF: 80, 83, 84