

## Wokingham Borough Council

### Shinfield Parish Neighbourhood Development Plan Draft Basic Conditions Decision Statement

#### 1. Summary

- 1.1 Following an independent examination, Wokingham Borough Council now confirms that the Shinfield Parish Neighbourhood Development Plan will proceed to a Neighbourhood Planning referendum.

#### 2. Background

- 2.1 On 22 November 2012, Wokingham Borough Council designated Shinfield Parish for the purpose of preparing a Neighbourhood Plan in accordance with Part Two of the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.
- 2.2 Following the submission of the Shinfield Parish Neighbourhood Development Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on Monday 16 May 2016.
- 2.3 Wokingham Borough Council appointed an independent examiner, Mr John Parmiter, on 19 May 2016 to review whether the Plan should proceed to referendum.
- 2.4 The Examiner's Report concludes that, subject to making the minor modifications recommended by the Examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.
- 2.5 The Executive of Wokingham Borough Council agreed on 29 September 2016 that the Shinfield Parish Neighbourhood Development Plan should proceed through referendum to take place on 8 December 2016.
- 2.6 Having considered each of the recommendations made by the Examiner's Report, and the reasons for them, the Council has decided to make the modifications to the draft plan set out in Table 1 below, to ensure that the draft plan meets the basic conditions set out in legislation.

#### 3. Decision and Reasons

- 3.1 The Council has made the modifications, proposed by the examiner, to secure that the draft plan meets the basic conditions, for the reasons given. These are set out in Table 1 below. **Bold, and underline** has been used to show added text and ~~strikethrough~~ to show removed text.

**Table 1**

No.	Examiner Recommendation	Reason	Action Taken
1	That the plan incorporates a clear, scene-setting map (i.e. Figure 1 that was produced by WBC for the Examiner's benefit during the examination period) with a suitable cross reference in the introductory text.	For greater clarity for users of the plan.	Figure 1 has been provided with the following wording at new paragraph 1.6: <b><i>Figure 1 is a map of Shinfield Parish showing the Strategic Development Location (SDL) area, existing settlements and infrastructure. The map shows the approved development for the parish, expected to be delivered during the lifetime of the plan (to 2026).</i></b>
2	That a suitable plan (i.e. Figure 2 that was produced by WBC for the Examiner's benefit during the examination period) be included in the plan alongside and cross-referenced in Policy 1.	For greater clarity for users of the plan.	The words <b><i>(as illustrated in Fig 2)</i></b> added to Policy 1 and map added below the Policy 1 box.
3	<p>That Policy 1 be amended as follows:</p> <p><i>'In Shinfield, development within <b>the Development Limits (as illustrated in figure 2)</b> will be acceptable <b>supported</b>; in the context of Wokingham Borough Council's Core Strategy Policies, Managing Development Delivery policies (or those set by a future adopted development plan) and the adopted village character statements for the area (see appendices R, S and T) <b>development adjacent to the Development Limits will only be supported where the benefits of the development outweigh its adverse impacts.</b>'</i></p> <p><i>Small scale<sup>1</sup> development, that is not considered to be cumulative, adjoining development limits will be supported where the benefits of the development outweigh its adverse impacts. These developments are:</i></p> <p><i>1) — 100% Affordable housing in perpetuity<sup>2</sup> for rental or shared ownership (including for Key Workers) by those with a strong local connection<sup>3</sup> which are sustainable and of a design suitable to the local character; and</i></p>	The means of controlling development adjacent to the Development Limits is already part of Policy CC02 and in any event can be achieved more simply in a way that does not undermine a strategic policy. The changes also ensure sufficient flexibility to accommodate sustainable development is maintained.	Policy 1 has been updated accordingly.

	<p>2) <del>Properties of an exceptional quality, highly sustainable and innovative nature of design, as defined in paragraph 55 of the National Planning Policy Framework. Such design must:</del></p> <p><del>a) Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;</del></p> <p><del>b) Reflect the highest standards in architecture;</del></p> <p><del>c) Significantly enhance its immediate setting; and</del></p> <p><del>d) Be sensitive to the defining characteristics of the local area.</del></p> <p><del>Footnotes</del></p> <p><del>1 Small scale proposals are defined as 5 dwellings or less.</del></p> <p><del>2 See designated protected areas covered by Statutory Instrument: The Housing (Right to Enfranchise)(Designated Protected Areas)(England) Order 2009</del></p> <p><del>3 A strong local connection is defined as those who are ordinarily resident in the parish for at least 10 years, or have previously lived in the parish for 10 years and have existing family (parents, children and siblings) who have lived there for 10 years, or have been working within the parish for 10 years or has a demonstrable need to live in the parish to support a family member who has lived within the parish for 10 years</del></p>		
4	<p>Policy 2 should be amended to read: '<b><u>In new residential developments, provision of an appropriate mix of size, built form and garden size, including style, design and character, will be supported in order to provide variation within a scheme, as long as this respects local distinctiveness and creates safe and sustainable environments. This can be achieved through the use of locally distinctive materials, differing layouts and positioning of dwellings, and</u></b></p>	<p>In order to reduce the degree of prescription; so as not to raise the status of the Village Design Statements; and to incorporate a need for creating safe environments.</p>	<p>Policy 2 altered accordingly</p>

**the retention of existing trees, and provision of new trees, within new gardens and public realm.**

*All new developments within Shinfield Parish, including conversions of existing office or retail premises to domestic dwellings, and extensions to existing individual properties, will be expected to demonstrate good use of space, good quality design and appropriately detailed specification. This should respond to, and integrate with, the character of the local area and be compatible with any relevant adopted Village Character or Design Statement*

*Development proposals shall demonstrate how they have taken account of the following:*

- 1) Use of quality materials that complement the established built environment around the development site;*
- 2) Compatibility with the scale and features of existing buildings in the locality;*
- 3) Creation of suitable site layout that provides sufficient spacing between buildings to maintain privacy and amenity for any new and existing residential properties;*
- 4) Allowance of appropriate space for hard and soft landscape works, particularly at settlement boundaries, in the public realm and along designated green routes and green route enhancement areas;*
- 5) Provision of appropriately high quality and high specification sustainable landscape works and tree planting, particularly at settlement boundaries, in the public realm and along designated green routes and green route enhancement areas (existing and proposed);*
- 6) Where appropriate, provision of suitable and unobtrusive storage facilities for refuse and recycling; and*
- 7) Design of road and service layouts to ensure the sustainable retention, where appropriate, of existing landscape features, including trees and historic landscape*

	<p>features, and to allow space for new sustainable landscape works without the need for maintenance and upgrades to services damaging landscape works, as they mature.</p> <p><b><u>8: Relevant adopted Village Character or Design Statement.</u></b></p> <p><b><u>9: Designing out opportunities for crime and anti-social behavior.</u></b></p> <p><i>In new residential developments, provision of an appropriate mix of size, built form and garden size, including style, design and character, will be supported in order to provide variation within a scheme, as long as this respects local distinctiveness. This can be achieved through the use of distinctive materials, differing layouts and positioning of dwellings, and the retention of existing trees, and provision of new trees, within new gardens and in the public realm.</i></p> <p><i>Developments designed to aid independent living for older residents, such as homes that are easier to adapt over the lifetime of the resident, or extra care housing, will generally be supported.”</i></p>		
5	That the opening sentence of Policy 4 be deleted and moved to the supporting text	The plan must legally relate only to land use and development of land and this sentence is not concerned with either.	Sentence deleted from Policy 4 accordingly.
6	That the 4 <sup>th</sup> bullet point of limb 2 of policy 4 be deleted.	The plan must legally relate only to land use and development of land and this point is not concerned with either.	Bullet point deleted from Policy 4 accordingly.
7	That the words “and neighbouring parishes” be added after “Wokingham Borough Council” in paragraph 13.9.	To encourage greater co-operation	Paragraph 13.9 altered accordingly

8	That limbs 8 and 9 of policy 5 be deleted from the policy and moved to the supporting text as new paragraphs 14.6 and 14.7	The wording would more appropriately be set in the supporting text.	Limbs 8 and 9 removed from policy 5
9	<p>That Policy 5 be modified as follows:</p> <p>Policy 5 –</p> <p>Limb 4 4) Developers should indicate measures that they will introduce to stop parking on pavements or grass verges. <b>For example, the use of square edged Conservation kerbs and strategic shrub planting on grass areas has proved to be of assistance to discourage parking on pavements and verges.</b></p> <p>Limb 5: <del>5) Developers will be required to introduce and enforce management of on-street parking from first occupation of developments, to discourage irresponsible parking from the outset.</del></p> <p>Limb 6: 6) Proposals for conversions and extensions that require planning permission <del>must not</del> <b>which</b> reduce the overall level of off-street parking available at the time of the development <b><u>should demonstrate that the retained levels of parking are appropriate for the use/size of the dwellings.</u></b></p> <p>Limbs 9 and 10: 9) The required level of parking provision may vary depending on the location and the specifics of the proposal. However, the minimum should be for the provision of one parking space per bedroom either on-site or on-street depending on the parking capacity available in the area,</p>	In order to remove detail that was too prescriptive or not capable of being enforced by the developer.	Policy 5 altered accordingly

	<p><i>unless otherwise justified by providing details, for example, as to what measures will be taken to deal with anticipated traffic impacts of the scheme. Applications will normally be expected to include a parking survey <b>where on-site parking cannot be fully accommodated.</b> [Note: in addition to the wording alterations, the limb has been moved to the supporting text as per the previous recommendation]</i></p> <p><i>10) For sub-divisions of houses or conversions of office or other non-residential accommodation into apartments that require planning permission, the standards will be as per the Residential Parking Standards set out above. Planning applications will normally be expected to include a parking survey <b>where on-site parking cannot be fully accommodated.</b></i></p>		
10	<p>That limbs 1, 3 and 4 of Policy 6 be modified in the terms set out on page 5 of Ecological Planning &amp; Research Ltd's Note supporting both consortia representations.</p> <p><i>1) Hedgerows which are appropriate for retention, as determined by the assessment of a survey of affected hedgerows to be carried out by the developer, due to their age or ecological value or in order to screen other development or land use, will have <del>at least a 15 metre wide</del> <b>buffer zone of sufficient width to ensure that the value provided by that hedgerow (as determined by the survey) is adequately preserved. Any buffer zone will be</b> measured from the central stem of the hedge, <del>from the centre line of the hedge</del> <b>and will be comprised, usually</b> on both sides, of soft landscaping that excludes any residential curtilage;</i></p> <p><i>3) Habitats of Principal Importance in England (Section 41 Habitats under the Natural Environment and Rural Communities Act (2006)), <del>as defined by the act,</del> which are appropriate for retention <b>and which are shown to have</b></i></p>	In order to remove the prescribed buffer widths which are not justified.	Limbs 1, 3 and 4 of policy6 altered accordingly.

	<p><b><u>significant ecological importance</u></b> as determined by the assessment of a survey of affected habitats to be carried out by the developer, will have a <del>minimum 15 metre wide</del> buffer zone of <b><u>sufficient width to preserve that ecological value (as determined by survey)</u></b>. This will be comprised of soft landscaping that excludes any residential curtilage.</p> <p><b><u>Where habitats meet the description of a Section 41 Habitat type and are being retained but do not currently support significant ecological value, the developer should, where possible, put forward proposed management or other enhancement measures to improve the future ecological value of that habitat;</u></b></p> <p>4) Ancient Woodlands, Local Wildlife Sites and ponds which are appropriate for retention, as determined by the assessment of a survey of affected woodlands, wildlife sites or ponds to be carried out by the developer, will have a <del>15–30 metre wide</del> buffer zone of <b><u>sufficient width to preserve the ecological value of that feature. For Ancient Woodlands, buffers should normally be of a minimum 15m width in accordance with Natural England’s Standing Guidance for Ancient Woodlands, except where surveys identify the need for additional width to address a particular sensitivity, or where an alternative width can be justified under paragraph 118 of the NPPF. The optimal composition of buffers will vary depending on the feature being protected, but for Ancient Woodland will normally include an element native woodland and scrub planting that grades into other habitats such as tall flower-rich grasslands, which</u></b> excludes any residential curtilage;</p>		
11	<p>That Limb 2 of policy 6 be deleted:</p> <p>Veteran trees which are appropriate for retention, as determined by the assessment of a survey of affected trees to be carried out by the developer, will have a buffer zone</p>	<p>As the suggested buffer zones around Veteran Trees is not justified or consistent with approved parameter plans.</p>	<p>Limb 2 of policy 6 deleted accordingly</p>

	equivalent to at least 15 times the diameter at breast height (DBH);		
	That Limb 2 of Policy 7 be expanded to read:  <i>The scheme provides biodiversity enhancement through the provision of additional bat roosting and bird nesting opportunities, <b>hibernacular and 'Bug hotels'</b>.</i>	To improve the clarity of the policy	Limb 2 of policy 7 altered accordingly
	That a footnote be added to Limb 3 of Policy 7 to specify that wildlife corridors include:  <b>terrestrial, aquatic and aerial corridors</b>	To improve clarity of the policy	Footnote added for Limb 3 of Policy 7
	That Policy 8 be amended as follows:  2) Existing open watercourses, ponds and ditches shall be preserved in new developments and substituted only where absolutely necessary <b><u>or otherwise appropriate.</u></b>  3) The creation of Sustainable Drainage Systems (SuDS) in new developments <del>is essential and must</del> <b><u>should be promoted wherever practicable and should</u></b> be incorporated into the site layout and landscape design, matching with the requirements of the existing adjacent land and with regard to provision for fauna, flora and habitats. Provisions for the maintenance and management of the features must be made by the developer.  4) No development will be permitted which reduces the ability of the <del>flood attenuation areas</del> site to alleviate flooding, or which <b><u>results in</u></b> increases <b><u>in</u></b> surface water run-off <b><u>rates that would have a detrimental effect off-site,</u></b> unless suitable mitigation is put in place.	To remove aspects of the policy that are insufficiently justified/too prescriptive.	Policy 8 altered accordingly.

	<p>That Policy 10 be amended as follows (with limb 2 deleted from the policy box and moved to the supporting text):</p> <p><i>1) All qualifying developments shall contribute, through the <del>Community Infrastructure Levy (CIL) or negotiated Section 106 agreements,</del> towards formal and informal sport and leisure activities and recreation and social facilities within the parish, either through the provision of <b>on-site or off-site</b> facilities or through financial contributions towards sports, leisure and recreation projects, where they are required to mitigate the impact of development.</i></p> <p><i>2) <del>We encourage developers to engage with the parish council at an early stage of development planning to identify suitable sport, leisure and recreation projects</del></i></p>	<p>To improve clarity of the policy and because limb 2 is not a land use policy and so would be more appropriately located in the supporting text.</p>	<p>Policy 10 amended accordingly: Limb 2 wording now included a paragraph 16.8.</p>
12	<p>That Policy 11 be amended as follows:</p> <p><i>1) Proposals for (or that incorporate) <b>commercial employment</b> uses may be supported where they do not conflict with other policies and it can be demonstrated that:...</i></p>	<p>For increased clarity</p>	<p>Policy 11 altered accordingly</p>
13	<p>That some text will become redundant once the plan is made and should come out.</p>	<p>For clarity and to make sure the plan is up to date.</p>	<p>References to 'Draft' have been removed from the plan and the dates have been updated. Additionally the what happens next section has been altered as follows:</p> <p>4.1 <del>This draft</del> Neighbourhood Development Plan was consulted throughout the local community within Shinfield Parish between Mid-June and September 2015.</p> <p>4.2 <del>Minor a</del> Alterations were made to the plan,</p>

			<p>taking account of the comments received from this consultation. The plan <del>will be formally issued to WBC in January 2016, to begin the process of formal examination by an independent examiner, appointed jointly by WBC and the parish council.</del> <b><u>has undergone an independent examination in 2016 and changes, as recommended by the examiner, have been incorporated into the plan.</u></b></p> <p>4.3 <b>The examiner has recommended that the plan proceed to referendum.</b> A majority voting in favour of the plan <del>would</del> <b>will</b> then make it a legal part of planning considerations for all development within the parish.</p>
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- 3.3 The Council has considered whether to extend the area in which the referendum is to take place. Like the examiner, the Council has decided that there is no reason to extend the Neighbourhood Plan area for the purpose of holding the referendum.
- 3.4 The examiner has concluded that with the minor modifications made the Plan meets the basic conditions and other relevant legal requirements. The Council concurs with this view.
- 3.5 Therefore to meet the requirements of the Localism Act 2011 a referendum which poses the question 'Do you want Wokingham Borough Council to use the Neighbourhood Plan for Shinfield Parish to help it decide planning applications in the neighbourhood area?' will be held in Shinfield Parish.
- 3.6 The date on which the referendum will take place is agreed as 8 December 2016.