

John Slater Planning Ltd

The Daws Hill Neighbourhood Plan 2018- 2033

Submission Version

A Report to Wycombe District Council on the Examination of The Daws Hill Neighbourhood Plan

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Executive Summary

My examination has concluded that the Daws Hill Neighbourhood Development 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 –

- Removing the requirement that all planning applications must be accompanied by an ecological survey.
- Removing the stipulation that replacement woodland be created.
- Deleting LGS 5 from the list of local green spaces.
- Deleting the Recreation and Open Space policy as it duplicates existing protection, which already exist in the development plan.
- Clarifying that the backland development policy applies to new houses built in rear gardens.
- Removing reference to drainage and water capacity issues as this duplicates a comprehensive local plan policy.
- Removing a design criterion which duplicates matters covered by other plan policies.
- Removing the policy regarding HMO's and also amending the policy relating to non-residential development to remove the provisions relating to businesses serving a local catchment.

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, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which 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 newly adopted Wycombe District Local Plan and the Adopted Delivery and Site Allocation Plan for Town Centres and Managing Development Local Plan (DSA) . 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 led by Daws Hill Neighbourhood Forum. A group was appointed to undertake the plan preparation made up of local volunteers. Daws Hill Neighbourhood Forum is a “qualifying body” under the Neighbourhood Planning legislation.
3. This report is the outcome of my examination of the Submission Version of the Daws Hill 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 Wycombe District Council.

The Examiner’s Role

4. I was initially appointed by Wycombe District Council in June 2019, with the agreement of Daws Hill Neighbourhood Forum, to conduct this examination. My role is known as an Independent Examiner. My selection has been facilitated by the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) which is administered by the Royal Institute of Chartered Surveyors (RICS).
5. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 41 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 John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both Wycombe District Council and

- Daws Hill Neighbourhood Forum 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 Daws Hill Neighbourhood Plan area.
 8. In examining the Plan, the Independent Examiner is expected to address the following questions
 - a. 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?
 - b. 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.
 - c. Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body?
 9. I am able to confirm that the Plan does relate only to the development and use of land, covering the area designated by Wycombe District Council, for the Daws Hill Neighbourhood Plan, on 10th September 2012, if it is modified in accordance with my recommendations.
 10. I can also confirm that it does specify the period over which the plan has effect namely the period from 2018 up to 2033.
 11. I can confirm that the plan does not cover any “excluded development”.
 12. There are no other neighbourhood plans covering the area covered by the neighbourhood area designation.
 13. Daws Hill Neighbourhood Forum is a qualifying body under the terms of the legislation. The District Council has designated the Neighbourhood Forum on 25th September 2012, which in line with legislation would last for 5 years. The Forum was redesignated on 12th February 2018.

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 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 am in a position to properly examine the plan without the need for a hearing.
17. I carried out an unaccompanied visit to High Wycombe and Daws Hill in particular on Monday 29th July 2019. I was able to drive around the area to familiarise myself with the plan area.
18. Following my site visit and my initial assessment of the plan, I had a number of matters on which I wished to receive further information, both from the Neighbourhood Forum and the District Council. That request was set out in a document entitled *Initial Comments of the Independent Examiner* dated 30th July 2019. I received a response from the Council on 15th August 2019 and from the Neighbourhood Forum on 18th August 2019.
19. All these documents have been placed on the respective websites.

The Consultation Process

20. The initial consideration as to whether to seek neighbourhood forum status took place in November 2011 and that decision was confirmed in April 2012. It was decided that the Forum would like to prepare a neighbourhood plan and it sought designation as a neighbourhood area.
21. The extent of the neighbourhood area which was initially sought included the Handy Cross Sports Centre complex and the then RAF Daws Hill site. That boundary was amended by the District Council to omit the two aforementioned strategic sites. That decision was the subject of a judicial review and a subsequent appeal, launched by the Neighbourhood Forum. The judgement found in favour of the District Council and the Forum eventually accepted the reduced boundary area in 2014.
22. It appears from the Consultation Statement that the Forum in preparing the policies in the plan, relied upon a range of sources, including door knocking exercises, the results of the Daws Hill Reference Group workshops held in 2012 and ongoing Forum and Residents Association committee meetings. There were other routes to community engagement, including an online

survey as well as confirmation as to progress at the Forum AGMs held throughout the process from 2013 until 2018.

23. In addition, the Forum, as well as holding meetings with developers, the County Council and Thames Water, enjoyed a good working arrangement with the District Council planners, following the resolution of the neighbourhood boundary issue.
24. All this activity culminated with the preparation of a Pre-Submission version of the plan, which was subject to what is known as the Regulation 14 consultation, which ran from 25th June 2018 until 5th August 2018. This produced responses from six statutory bodies, which are summarised in the Consultation Statement.

Regulation 16 Consultation

26. 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 6-week period, between 13th March 2019 and 26th April 2019. This consultation was organised by Wycombe District Council, prior to the plan being passed to me for its examination. That stage is known as the Regulation 16 Consultation.
27. In total, 7 individual responses were received from Natural England, Thames Water, Environment Agency, Network Rail, NHS Clinical Commissioning Group, Buckinghamshire County Council and Wycombe District Council
28. I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the plan as a whole.

The Basic Conditions

29. 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 is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.
30. 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?
 - 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?

31. During the course of this examination the Government issued a revised National Planning Policy Framework. However, in accordance with the stipulation of Paragraph 214 of the 2019 NPPF, this examination has been carried out applying the policies in the 2012 version of the Framework as the plan was submitted on 20th December 2018, prior to 24th January 2019 deadline for the transitional arrangements.

Compliance with the Development Plan

32. 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 newly adopted Wycombe District Local Plan, which was formally adopted during this examination, on 19th August 2019, which will sit alongside the policies in the Delivery and Site Allocations Plan 2013 (apart from the policies that were explicitly replaced by the new plan), and the Buckinghamshire Minerals and Waste Local Plan adopted on 25th July 2019. The latter document covers matters that are not within the scope of matters that can be dealt by a neighbourhood plan – they cover what is known as excluded development.
33. The objectively assessed housing need for Wycombe District has been assessed as 13,200, but due to Green Belt and AONB constraints (which do not apply to the Daws Hill plan area) the plan is only proposing to provide for 10,925 new homes for the period up to 2033. The plan makes a number of housing and employment allocations but none are within the Daws Hill neighbourhood area. High Wycombe is expected to deliver 6,350 of the plan's housing requirements and Policy CP4 refers to these being delivered through a mixture of completions and commitments, allocations and windfall site within the urban area.
34. There are a number of planning policies in the new Local Plan that are directly relevant to the matters dealt with in the neighbourhood plan, specifically Policy DM34 – Delivering Green Infrastructure and Biodiversity in Development which builds upon the retained policies DM11-DM16 of the Delivery and Site Allocation Local Plan. This is a particularly innovative policy looking to set requirements for tree cover as part of development schemes. Policy DM38 addresses the issue of water quality and ensuring adequate

drainage infrastructure capacity is available and Policy DM39 deals with Managing Flood Risk and Sustainable Drainage Systems.

Compliance with European and Human Rights Legislation

35. Wycombe District Council issued a Screening Statement, in November 2016 which concluded, having consulted with the three statutory consultees, that a full 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, as its view was that the Plan is unlikely to have significant effects on the environment.
36. The District Council, as competent authority, has now issued its screening decisions under the Habitat Regulations. This screening assessed the submitted plan and concluded that it would not have any adverse effects upon the nearest European protected sites, which is the Chiltern Beechwoods SAC and an Appropriate Assessment would not be required.
37. I am satisfied that the basic conditions regarding compliance with European legislation, including the newly introduced 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

38. I must firstly commend the Forum for preparing what is a well-presented submission. This is a clearly written and focused neighbourhood plan, which deals with the matters in a concise manner.
39. This neighbourhood plan covers an enclave of residential development on the south-east fringes of High Wycombe, an area contained between the new Handy Cross hub, Wycombe Abbey, the M40 motorway, and the new Pine Trees housing development – a new residential development displaying high quality contemporary architecture. Daws Hill is essentially a residential area, with a mixture of different traditional architectural styles and layouts, which are ably described in the submitted Character Assessment. The authors of the plan make particular reference to the “wooded environment” but that is a description which principally relate to the sylvan character of Daws Hill Lane which dissects the plan area and the roads off it. The other significant woodland area is the Myees Plantation, which dominates the centre of the area.
40. Whilst much of the area is low-density housing, there are parts of the neighbourhood area that are built at a much higher density, including flats. The policies in the plan need to reflect that this is not a homogeneous area.

41. The plan makes no housing allocations, nor is there a requirement for it to do so. Neighbourhood plans can address the issues that the community has identified and prepare corresponding planning policies to influence the determination of planning applications. The plan is very focused on influencing any new development, so that it is carried out in a way that seeks to protect the character of the area, which residents clearly value. Through its policies, it will deliver the vision for the area which is “to preserve and enhance the character of the Daws Hill area of High Wycombe for the benefits of present and future residents”.
42. The plan does reflect high expectations regarding the retention of trees and tree cover and this is mirrored in the new Wycombe District Local Plan as well as national policy at the same time recognising the importance of green infrastructure and the need to wherever possible achieve net environmental gains.
43. There are a few isolated issues where the plan seeks to duplicate matters that are dealt with at District level, but not in a way that adds any local dimension to the policy. The Secretary of State is clear that there is no benefit in one part of the development plan merely repeating matters from another part of that development plan.
44. Equally there are limits to what planning is able to control. For example, the policy regarding HMOs implies a level of planning which it cannot influence, because permitted development rights allow small-scale HMOs to be created through changes of use from dwelling houses, without the need for planning permission. Similarly planning cannot restrict a local business to just serving a local catchment, which one of the policies purports to do.
45. The modifications I have proposed in this report are intended to ensure that the plan and its policies meet basic conditions. These changes will necessitate alterations to the supporting text, which goes beyond the scope of my role as examiner. I will leave these alterations to the justification of the policies, to be prepared by the Forum, in consultation with the planners at Wycombe District Council, to ensure that the Referendum version of the plan reads as a cogent and coherent document.

The Neighbourhood Development Plan Policies

Policy 1: Protection and Improvement of the Natural Environment

46. The policy as submitted requires every planning applicant, irrespective of the type of development being proposed, to undertake an ecological assessment of the site and submit a statement addressing how the scheme has approached the avoidance, mitigation or compensation of biodiversity impacts. A planning policy is not able to require which documents have to be submitted with a planning application. That is prescribed in the District Councils Local Validation Checklist. In Wycombe district, all applicants are

required to complete a Wildlife Checklist, which by asking a range of questions, establishes the circumstances where an applicant will be required to undertake an ecological impact survey and for a statement to be submitted. I have researched Wycombe's online wildlife advice notes and would commend its comprehensive advice.

47. Some developments by their nature will have no impact on either habitat or protected species. In my Initial Comments document, I quoted the example of a first-floor domestic extension. In its response, the Forum agreed that where there is no ecological impact, it would be onerous to require an ecological assessment.
48. The Secretary of State's advice is that ecological surveys should only be required "... where clearly justified. Assessments should be proportionate to the nature and scale of the development proposed and the likely impact on biodiversity". In paragraph 118 of the NPPF (2012) the Secretary of State sets a threshold as to whether there is *significant harm* resulting from the development. I propose to introduce that as the threshold for harm to consider the issues set out in the policy, in order to reflect the Secretary of State policy, which is a basic condition requirement.
49. The hierarchy of measures as proposed in the policy is consistent with that advice. It is not however necessary to reference specific paragraphs in the NPPF to justify the policy and I will be recommending the reference be removed.

Recommendations

Replace the first sentence with: "Applicants for development which are identified as having the potential to impact on the biodiversity or habitat interest of a site, must demonstrate the specific measures which will be taken to avoid, minimise, mitigate or compensate for any significant harm arising from the development."

In the final sentence, omit all text after "possible"

Policy 2: Trees, Hedgerows and Woodland

50. The policy requires all trees to be retained, then next sentence it countenances a situation where that may not always be possible. I consider that establishing a *requirement* is the equivalent to saying that all trees *must* be retained. I consider that having an absolute requirement to retain all the trees on a site, notwithstanding their position, size, species, condition and contribution to amenity of the area is not justified. However, I do appreciate that collectively individual trees contribute to the wooded character of, at least part, of the plan area. I am satisfied that that description can be given, for example, to the areas along Daws Hill Lane and the roads off it, but not necessarily to the more recent residential estates at the periphery of the plan area. I therefore propose, that the wording be changed to their retention will be "expected", which is not so absolute as "required".

51. The policy refers to the overall development will gain an equivalent or greater benefit from the provision of alternative trees. As this policy will apply, not just to new residential developments, but also to, for example, householder applications, I will propose that the wording replace “overall development” with “application site.”
52. As previously mentioned, not all of the area has in my opinion a “woodland character”. I propose to suggest that the requirement should be to maintain the “character of the area”.
53. The second element of the policy has the same issues with respect to the “requirement” but then allowing woodland trees to be removed.
54. The policy refers to “non-ancient woodland”. I enquired whether the plan area has any ancient woodland which recognised as such by Wycombe District Council. It confirmed that there are no ancient woodlands in the Daws Hill area. I will therefore be recommending the deletion of “non-ancient” and just refer to woodland, in the interest of clarity.
55. I do not consider that it is a practical requirement for a new replacement woodland area to be created within the plan area. There is not the land available for this to be a practical requirement. The Forum’s response to this issue, states that replacement trees will most likely be planted in close proximity to where they are removed. I therefore propose to remove the requirement relating to replacement woodland and leave it to be covered by the first paragraph of the policy.
56. The approach that I am recommending will not frustrate the possibility of trees being felled to make way for the possible pedestrian and cycle route linking St Michael’s School to the Handy Cross Hub.

Recommendations

In the first sentence replace “required” with “expected”

In the second sentence of the first paragraph, replace “overall development” with “application site”.

In the last sentence of the first paragraph, delete “woodland”.

In the second paragraph of the policy, delete the remainder of the policy after “exceptional circumstances”.

Policy 3: Local Green Space

57. Whilst carrying out my site visit, I was surprised that the plan had proposed to designate a small area of highway land in the middle of the Daws Hill Lane/Marlow Hill junction as local green space (LGS), a designation which offers the highest level of protection. Upon drawing my concern to the attention of the Forum, I was advised that the area had been identified in error and that the Local Green Space assessment document had erroneously referred to land on the north side of the junction, which falls outside the plan area. I will therefore recommend that the site referred to as LGS5 be removed from the policy and Figure 3 should be amended accordingly.

58. I did have concerns regarding the inclusion of Myees Plantation. The purpose of LGS designation is to rule out all development, except in exceptional circumstances. At the same time, the Forum appears to be supporting development through the woodland, in the form of a new footpath/cycleway. Therefore, on the one hand it is seeking protection for the area but at the same time supporting an engineering operation that will involve the felling of trees and the laying of an engineered surface, possibly with lighting.
59. I appreciate that the public access to the woodland is restricted, as access is through the school. Nevertheless, I have been advised that residents are able to gain access most of the time. The school gates were closed at the time of my site as it was school holidays and I was unable to enter the site. I am advised that public access has existed for many years and now the woodland area is fenced off from the rest of the school grounds. Whilst the LGS assessment refers to “communal activities such as a resident barbecue can only take place in Myees Plantation”, I now understand that such events are only an aspiration of the Forum rather than an existing venue.
60. I have come to the conclusion that notwithstanding the restrictions on resident’s access do accept that this area of woodland is an important amenity for local residents, not least as a woodland backcloth to the area and it does warrant protection as a local green space. Any planning application for the cycleways/ pedestrian footway would have to have regard to the protection offered by LGS status and the decision maker will have to consider whether the benefits accruing from the new route, would pass the special circumstances criteria. Notwithstanding that some development is envisaged at least for part of the woodland, there is currently no specific route that I am aware of, which could have been excluded from the designation. On balance, I consider that this area of woodland does have special significance to the local community and deserves its LGS status.
61. I am entirely satisfied that the other areas proposed as LGS have been properly justified and meet the criteria set out in paragraphs 76 and 77 of the 2012 NPPF. The drafting of the policy does however, need to explain the significance of LGS designation, in terms of how planning applications should be judged. I will propose an amended form of wording that refers to the fact that development is ruled out, except in exceptional circumstances.

Recommendations

Remove the 5th bullet point and amend Figure 3 to remove LGS 5 and renumber

At the end of the policy insert “Development will not be permitted in the areas designated unless it can be shown that very special circumstances exist”.

Policy 4: Recreation and Open Spaces

62. The policy differentiates between “formal open space” and “open space with a recreational value”. I asked the Forum what was the basis of the different

descriptions and the response was that the policy should just refer to “open space”. The one area of open space, which is not protected by LGS status, and is referred to in the supporting text, is the St Michael’s School playing field. However, this open space is already protected as green space by Local Plan Policy DM12, as shown on Map 15 of the Delivery and Site Allocations Local Plan. That plan also protects the open spaces which have been designated by the neighbourhood plan as LGS, with the exception of LGS 6 – the open grass area at the junction of Fair Ridge and Marlow Hill.

63. Map 15 of the above local plan also identifies the ribbon of land on the north side of Daws Hill Lane either side of Knights Templar Way. Secretary of State advice is that there is no value in duplicating policies, which are already offering protection to these green areas in another part of the development plan. I see no purpose in replicating controls over the playing field and I therefore propose that the policy be deleted.
64. In the response from the Forum it suggested a revised wording along the lines of “Development in open spaces will be supported only in exceptional circumstances”. However, such a protection already exists either through Policy DM12 and Policy 3 of this plan, which together cover all the identified areas of open space in the plan area.

Recommendation

That the policy be deleted.

Policy 5: Backland Development

65. The first paragraph describes the “green and wooded character of the neighbourhood area”. As previously described I do not accept that such a description properly describes the totality of the plan area. In my opinion, the test should be to prevent development that is out of character with the *immediate locality* which is ably described in the Character Assessment document.
66. The first paragraph refers to *development proposals*, which is an all-encompassing term and I consider that the objective would be clearer by referring to *new residential development*.
67. Equally the second paragraph of the policy refers to a presumption against “development within rear domestic gardens”. Such a description could encompass all manner of development, from the construction of a new house/houses through to the construction of ancillary domestic buildings within the curtilage of a dwelling. I sought clarification as to the intention of the Forum and it was confirmed that the intention was generally to prevent new houses built in a backland situation and it suggested that the policy needs to exclude “small-scale construction such as sheds and summerhouses” but should maintain a presumption against larger scale buildings such as annexes. However permitted development rights exist in these cases, which could allow substantial outbuildings to be constructed in

the rear gardens under Part E of the Schedule 1 of the Town and Country Planning (General Permitted Development) Order 2015. I do not consider that the construction of a separate annex, say for a dependent relative, or a home base office, would constitute backland development, as long as there was maintained a functional link with the main house and its use remained ancillary to the primary use as a dwellinghouse.

68. I consider that, apart from these matters, the policy offers a locally distinctive set of criteria for the consideration of development and reflects a matter that is clearly of importance to the local community.

Recommendations

In the first paragraph, replace “Development proposals’ with “New residential development” and also delete “green and wooded” and replace “Neighbourhood Area” with “immediate locality”.

In the second paragraph, replace “development” with “new houses which are proposed to be”.

Policy 6: Current Flooding and Drainage

69. I consider that the basis for the policy i.e. the development should deal with surface water run-off on site, is in the line with good planning practice. However, including references to sources of advice does not need to form part of the actual planning policy. Signposting applicants to sources of advice can be done in the supporting text. I would however wish to correct an erroneous statement that Natural England is one of the prime sources of flooding advice, when such matters come under the jurisdiction of DEFRA who have published Technical Advice on Surface Water Flooding and Sustainable Urban Drainage Systems.
70. I am not satisfied that evidence has been produced which signals that there is a specific issue in this part of the High Wycombe with regard to drainage or water supplies, otherwise I would have expected the matter to have been raised by Thames Water in its Regulation 16 submissions. Secretary of State expectations are that neighbourhood plan policy should be based on evidence and I consider that issues of illegal discharges into the Thames at Little Marlow or unrelated sewage overflows has not been shown to be directly related to the capacity of the drainage infrastructure in the plan area.
71. I propose that the second paragraph be removed due to the absence of evidence as to the inadequacy of infrastructure in the plan area. The matter is already adequately covered by Policies DM38 and DM39 of the new Local Plan.

Recommendation

Delete all of the policy, after the first sentence and move text to the supporting paragraphs.

Policy 7: Quality Design

72. I generally consider this to be a comprehensive design policy which offers clarity as to the aspirations of the community for new development within the plan area.
73. However, there are a number of minor points that I need to address. Again, the description of the existing “green and woodland context” does not apply to the whole area and I propose to introduce the caveat “where appropriate”. The third criterion regarding the protection of existing trees and the need to deliver net environmental gain duplicates matters already covered by Policies 1 and 2 of the plan. There are no benefits in duplicating requirements as a planning application will be expected to address all relevant policies in the plan.

Recommendations

***At the start of the second bullet point insert “where it is appropriate,”
Delete the third bullet point***

Policy 8: New Shops

74. This policy covers two slightly different issues. One is the acceptability of a retail use within the plan area and secondly, if a retail use were to be introduced, what would be the criteria for assessing the acceptability of the shopfront/signage.
75. The plan refers to *renovated shopfronts* but as no shops currently exist within the plan area, there are no shopfronts capable of being renovated. The Forum has agreed that reference to “new or renovated” should be removed.
76. I am very surprised that the plan is supporting the introduction of new small shop units (or at least saying they *may* be supported). I would have thought any proposal to introduce a new shop unit would be opposed by immediate neighbours who are likely to argue that such a use will be out of character with the predominantly residential nature of the area. A new shop unit is likely to be to some extent, disruptive in terms of traffic movements and general activity.
77. However, it is not my role to judge such matters and if the Forum’s wish to propose such a policy then I need to consider it out against the basic conditions. I have no grounds for concluding that the policy breaches basic conditions, even though I suspect, the likelihood of this policy having to be referred to in determining the planning application, is likely to be remote. I will however propose the changing of the order of the policy, so that it addresses the principle of a retail use before setting the criteria for considering details of the shopfront and associated signage.

Recommendations

In the first sentence, replace “or renovated shop frontages” with “shops(s)”

Put the second bullet as the first bullet

At the start of what will now be the second bullet point, insert “any shop front should”

Policy 9: Scale of Local Non-Residential and HMO Development

78. I was not conscious of any commercial premises whilst conducting my site visit. I was informed by the Forum that there are in fact three non-residential uses, namely the school, a stage school and a nursing home.
79. I do not consider that planning controls can on a meaningful basis, restrict activities to those that “primarily seek to serve a local catchment”. For example, it would not be possible to restrict the recruitment of stage school pupils to just those within the local area. I will recommend that such a requirement be removed as it is beyond the scope of planning control.
80. I note that the policy allows small-scale HMO’s. However, under permitted development rights, houses can already be changed from a Class C3 dwellinghouse into a Class C4 house in multiple occupation i.e. small shared houses occupied by between three and six unrelated individuals as their only or main residence, who share basic amenities, such as a communal bathroom or kitchen, without requiring planning permission. Wycombe District Council has confirmed that there are no Article 4 directions in place which prohibit such changes of use. HMOs over the threshold of six are unlikely to be considered small-scale for the purpose of that policy. Therefore, on the basis of the absence of planning control for small-scale HMOs being introduced, I propose that reference to them should be removed from the policy as referring to them in a policy, albeit offering conditional support, would imply an element of planning control that does not exist in practice. There is also some duplication between the requirements in the two bullet points which I will address

Recommendations

Delete from the title “and HMO”

In the first sentence delete “and HMO”

In the first bullet point delete “they primarily seek to serve a local catchment. They must be” and replace with “particularly where they are ...” In the second bullet point delete “and HMOs” and “accessible via a variety of modes of sustainable transport”

The Referendum Area

81. 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 Daws Hill Neighbourhood Plan as designated by Wycombe District Council on 10th September 2012, is the appropriate area for

the referendum to be held and the area for the referendum does not need to be extended.

Summary

82. I must congratulate Daws Hill Neighbourhood Forum on grasping the opportunities presented by neighbourhood planning to allow the community to shape its planning policies.
83. This is a locally distinct neighbourhood plan, which will provide a sound basis for dealing with planning applications in the Daws Hill area in the coming years. The changes I have had to make are all required to ensure that the policies comply with the basic conditions.
84. 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.
- 85. I am therefore delighted to recommend to Wycombe District Council that the Daws Hill Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum.**

JOHN SLATER BA(Hons), DMS, MRTPI
John Slater Planning Ltd
31st August 2019