

# **THAXTED NEIGHBOURHOOD PLAN 2017-2033**

## **Report to Uttlesford District Council of the Independent Examination**

**By Independent Examiner, Tony Burton CBE BA MPhil (Town Planning) HonFRIBA FRSA**

**Tony Burton**

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# Contents

1.	Executive Summary	3
2.	Introduction	4
3.	Compliance with matters other than the Basic Conditions	7
	Qualifying body	7
	Neighbourhood Area	7
	Land use issues	7
	Plan period	8
	Excluded development	8
4.	Consultation	9
5.	General comments on the Plan's presentation	11
	Vision and themes	11
	Other issues	11
6.	Compliance with the Basic Conditions	13
	National planning policy	13
	Sustainable development	14
	Development plan	14
	Strategic Environmental Assessment	15
	Other European obligations	15
7.	Detailed comments on the Plan policies	16
	Heritage and Conservation	16
	Landscape and the Countryside	25
	Housing and Design	32
	Tourism and the Economy	41
	Infrastructure	42
8.	Recommendation and Referendum Area	47

# 1. Executive Summary

1. I was appointed by Uttlesford District Council with the support of Thaxted Parish Council to carry out the independent examination of the Thaxted Neighbourhood Plan.

2. I undertook the examination by reviewing the Plan documents and written representations, and by making an unaccompanied visit to the Neighbourhood Area.

3. I consider the Plan to be an adequate expression of the community's views and ambitions for Thaxted. It is based on an effective programme of public consultation which has informed a Vision and five themes for the Neighbourhood Area. These are translated into planning policies dealing with issues distinct to the locality. They are supported by other aspirations which go beyond the scope of the neighbourhood plan. The Plan is supported by a Consultation Statement, Basic Conditions Statement and screening report. There is significant supporting evidence provided on most aspects of the Plan including primary evidence produced during the Plan's preparation. There is good evidence of community support.

4. I have considered the 24 representations made on the submitted Plan and addressed them in this report as appropriate.

5. Subject to the recommended modifications set out in this report I conclude that the Thaxted Neighbourhood Plan meets all the necessary legal requirements, including satisfying the Basic Conditions. I make a small number of additional recommendations.

6. I recommend that the modified Plan should proceed to Referendum and that this should be held within the Neighbourhood Area.

## 2. Introduction

7. This report sets out the findings of my independent examination of the Thaxted Neighbourhood Plan. The Plan was submitted to Uttlesford District Council by Thaxted Parish Council as the Qualifying Body.

8. I was appointed as the independent examiner of the Thaxted Neighbourhood Plan by Uttlesford District Council with the agreement of Thaxted Parish Council. My selection was facilitated by the Neighbourhood Planning Independent Examiner Referral Service.

9. I am independent of both Thaxted Parish Council and Uttlesford District Council. I do not have any interest in any land that may be affected by the Plan. I possess the appropriate qualifications and experience to undertake this role.

10. My role is to examine the Neighbourhood Plan and recommend whether it should proceed to referendum. A recommendation to proceed is predicated on the Plan meeting all legal requirements as submitted or in a modified form, and on the Plan addressing the required modifications recommended in this report.

11. As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
- contribute to the achievement of sustainable development; and
- be in general conformity with the strategic policies of the development plan in the area; and
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

12. I am also required to make a number of other checks under paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990.

13. In undertaking this examination I have considered the following documents as the most significant in arriving at my recommendations:

- the submitted Thaxted Neighbourhood Plan and its Appendix
- the Basic Conditions Statement
- the Consultation Statement
- the Strategic Environmental Assessment and Habitat Regulations Assessment screening report and responses
- relevant parts of the development plan for the neighbourhood area (Uttlesford Local Plan Adopted 2005)
- representations made on the submitted neighbourhood plan
- relevant material held on Thaxted Parish Council, Thaxted Neighbourhood Plan and Uttlesford District Council's websites
- National Planning Policy Framework, March 2012
- Planning Practice Guidance
- relevant Ministerial Statements

14. A revised National Planning Policy Framework was published during the Examination. This states that *"the policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019"* (paragraph 214). I have considered the Thaxted Neighbourhood Plan, which was submitted in April 2018, on this basis. I have also given consideration to representations that the Plan is not in conformity with the emerging draft Local Plan for the area and is premature. It is entirely appropriate for the Plan to be prepared in advance of the Local Plan review and the Basic Condition that it be *"in general conformity with the strategic policies of the development plan in the area"* relates to the 2005 Local Plan.

15. Having considered the documents provided and the representations on the submitted Plan I was satisfied that the examination could be undertaken by written representations without the need for a public hearing.

16. I carried out an unaccompanied visit to the Neighbourhood Area on a warm August weekday. I walked around Thaxted and visited other parts of the neighbourhood area to experience a selection of the identified views and the landscape character areas. I reviewed each of the proposed Local Green Spaces and housing site allocations along with other locations.

17. The remarkable setting and historic character of Thaxted make an immediate impression: it has a strong physical and visual relationship with the surrounding landscape and contains buildings and public realm of the highest quality. The significant contours result in myriad different and interesting views. Some new development is evident and not all of this has been successfully integrated. A large amount of work to look after Thaxted's buildings was underway during my visit and the town has a cared for quality that translates into the manner with which the Plan has been prepared and written.

18. Throughout this report my recommended modifications are bulleted. Where modifications to policies are recommended they are highlighted in **bold** print with new wording in "speech marks". Modifications are also recommended to some parts of the supporting text. A number of modifications are not essential for the Plan to meet the Basic Conditions and these are indicated by [square brackets].

19. Producing the Thaxted Neighbourhood Plan has clearly involved significant effort by a wide range of people and organisations, led by the volunteer Steering Group established by Thaxted Parish Council. There is evidence of collaboration with Uttlesford District Council and this will continue to be important in ensuring delivery of the Plan. I should like to congratulate all those who have worked so hard over a long period of time to prepare the Plan and to thank the officers at Uttlesford District Council and Thaxted Parish Council who have supported this examination process.

### **3. Compliance with matters other than the Basic Conditions**

20. I am required to check compliance of the Plan with a number of matters.

#### Qualifying body

21. I am satisfied that the Plan has been prepared by a suitable Qualifying Body – Thaxted Parish Council – which being a parish council is the only organisation that can prepare a neighbourhood plan for the area.

#### Neighbourhood Area

22. I am satisfied that the Plan relates to the development and use of land for a designated neighbourhood area and that this does not overlap with any other designated neighbourhood area. The Thaxted Neighbourhood Area was agreed by Uttlesford District Council on 10<sup>th</sup> December 2015 and a map depicting the area is included in the Plan. It covers the whole of Thaxted parish. The Plan includes an incorrect reference to the area application being submitted in December 2015 and does not include the date of designation. There is an incorrect reference to the date of designation in the Consultation Statement.

- Replace “*in December 2015*” with “on 16<sup>th</sup> October 2015” in paragraph 2.1.4
- [Add to end of paragraph 2.1.4 “The Thaxted neighbourhood area was designated by Uttlesford District Council on 10<sup>th</sup> December 2015”]
- Amend the date of designation from “11<sup>th</sup>” to “10<sup>th</sup>” December 2015 in the Consultation Statement

#### Land use issues

23. I am satisfied that the Plan relates to relevant land use planning issues. Where considerations relating to non-land use planning matters are included in policies these have been addressed through my recommendations.

### Plan period

24. The period of the neighbourhood plan is stated as being from 2017 – 2033 on the inside cover of the Plan. This is confirmed in paragraph 2.6.1. It is also the length of period considered by the Plan's Vision and its consideration of the need for new housing. The cover of the Plan as submitted emphasises the date of submission in red text and the Plan period is given a relatively lower profile.

- [Insert "2017-2033" under "*Thaxted Neighbourhood Plan*" on the front cover and delete the text in red]

### Excluded development

25. I am satisfied that the neighbourhood plan makes no provisions for excluded development (such as national infrastructure, minerals extraction or waste).



## 4. Consultation

26. I have reviewed the Consultation Statement and relevant information provided on the Thaxted Neighbourhood Plan. This provides a clear and comprehensive assessment of the extensive consultation process undertaken in preparing the Plan. It covers the four main phases – inception, initial plan development, advanced plan development and pre-submission consultation.

27. Public consultation on the neighbourhood plan was achieved through a range of techniques including “*website • public events • newsletters • questionnaires • specific survey of housing need • direct discussion with individual interest groups • local publicity (banners; posters; press articles; street stall)*”. Social media was also used. A starting point was provided by the existing Parish Survey 2013 which elicited over 300 responses. A neighbourhood plan questionnaire circulated to over 1300 households received a 26% response rate.

28. The public consultation was informed by commissioned research on key issues such as landscape, heritage and housing need. A street by street analysis of the Central Area was undertaken by 10 volunteers. This work also contributes significantly to the Plan’s evidence base.

29. The process through which housing development sites were identified is not as well described as other aspects of the Plan. Nevertheless, there is an explanation in the main body of the Plan and a copy of a relevant document “*Assessment of sites for Potential Development in Thaxted*” is available in the evidence base.

30. The Statement records the consultees specifically invited to comment on the consultation draft plan and this includes relevant statutory organisations. There is also evidence of engagement with business and landowning interests.

31. Nearly 50 responses were received to the pre-submission consultation draft plan. The Consultation Statement includes a summary table of the issues raised through consultation and how these have been addressed in finalising the Plan. There is evidence of the Plan being amended in response to consultation feedback.

32. 24 different representations have been made on the submitted Plan, including 11 from individuals (eight of which are highly supportive). There are no representations from Uttlesford District Council although it did make representations on the pre-submission consultation draft plan which I have considered.

33. I am satisfied with the evidence of the public consultation undertaken in preparing the Plan over a long period of time and commend all those who have worked so hard over such a long time to engage and involve people in the future of the area. The Plan has been subject to wide public consultation at different stages in its development. It is also informed by original evidence, including information prepared by both external consultants and local volunteers. The process has allowed community input to shape the Plan as it has developed and as proposals have been firmed up. The local planning authority has been engaged throughout the process.

## 5. General comments on the Plan's presentation

### Vision and themes

34. I have reviewed the Vision and the five themes which structure the 38 Policies in the Plan. The Vision takes a positive conservation-led approach and reflects the feedback received through consultation. It is supportive of sustainable development which maintains the historic character of Thaxted and protects its setting.

35. The policies are distinguished from the rest of the Plan by the use of light blue colouring and bold text. This works to an extent but there will be circumstances, such as where black and white photocopied plans are used, where this could be problematic.

- [Further distinguish the Plan policies by placing them each in a simple box]

### Other issues

36. The bulk of the evidence base for the Plan is provided online and the Contents include a list of the relevant documents which are "*available on the website*". It is not clear whether the website reference is to Thaxted Parish Council or Thaxted Neighbourhood Plan and the documents provided vary between these two websites. The Thaxted Neighbourhood Plan website presents the information more clearly, although the SEA Screening should be included with the submission documents.

- Reference and provide a link in the Content to a single consolidated evidence base hosted on the Thaxted Neighbourhood Plan website (<https://www.thaxtednp.com/documents>) as long as there is a commitment to support this into the future. Otherwise host and provide a link to the Thaxted Parish Council website

37. The Plan includes a number of maps locating Local Green Space and development sites. These are of sufficient quality to identify boundaries. The location of most sites is self-evident, but some sites are difficult to locate. The legibility of the Plan would be enhanced by including an overview map or maps showing the location of all of these sites

within the neighbourhood area. In addition a single map or separate maps for Local Green Spaces and development sites could be provided.

- [Add an overview map or maps showing the general location of the Local Green Spaces and development sites.]

38. The Plan is well structured but generally uses the same weight for all headings wherever they appear in the hierarchy (with anomalies including 1.1 which uses a larger point size and Chapter 2 which is not in bold). This makes the Plan difficult to navigate. There are some errors in the Contents – e.g. the section on “*Footpaths*” begins on page 79, the section on Infrastructure begins on page 69 and the heading does not include the words in brackets in the Contents and Policies TX HD11-1 and TX HD11-2 are missing page numbers. Appendix I is referenced incorrectly in the Contents as “*Appendix 1 Liz Lake Proforma 3 in respect of each LPLPC*” on page 86 when it is “*Appendix 1 Liz Lake Proforma in respect of each LPLCA*” on page 87.

- Amend the Plan to use a consistent heading hierarchy
- Correct the Contents to accurately match titles and page numbers in the Plan

39. A number of representations question the tone of some of the supporting text, especially in relation to the attitude to development. The Plan includes commentary from the perspective of the Qualifying Body which is not shared by everyone. I share some of these concerns but do not consider they constitute a breach of the Basic Conditions. The Plan’s overall vision is positive and I have recommended changes to individual policies where they are unduly restrictive. I consider the Plan to be supportive of sustainable development.

## 6. Compliance with the Basic Conditions

### National planning policy

40. The Plan is required to “*have regard*” to national planning policies and advice. This is addressed in the Basic Conditions statement which relates the Plan’s policies to the National Planning Policy Framework (NPPF) (March 2012).

41. The Basic Conditions statement provides a table testing compatibility of each of the Plan’s policies with relevant sections of the National Planning Policy Framework. This concludes that appropriate regard has been given to the NPPF. The suite of landscape and countryside policies considered includes policies additional to those in the submitted Plan. Two Infrastructure policies are omitted from the assessment.

42. There are some areas where the drafting of the Plan’s policies needs to be amended in order to meet the National Planning Policy Framework’s requirement for plans to provide a clear framework within which decisions on planning applications can be made. The policies should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). It is also important for the Plan to address the need expressed in Planning Practice Guidance for policies in neighbourhood plans to be drafted with sufficient clarity for a decision-maker to apply them consistently and with confidence when determining planning applications. Policies should be concise, precise and supported by appropriate evidence. The Plan’s policies do not always meet these requirements and a significant number of recommended changes are made as a result.

43. Generally, the Plan has regard to national planning policies and guidance but there are exceptions set out in my comments below. These cover both conflicts with national planning policy and the need for some policies to be more clearly expressed and/or evidenced. Where the Basic Conditions statement has omitted to address specific policies my assessment is that they have regard to the NPPF subject to my recommendations below.

44. I am satisfied that the Plan meets this Basic Condition other than where identified in my detailed comments and recommendations on the Plan policies.

- [Complete the NPPF assessment so it matches the Policies in the submitted plan in an updated Basic Conditions statement]

### Sustainable development

45. The Plan must “*contribute to the achievement of sustainable development*”. This is addressed in the Basic Conditions statement with an analysis that scores the policies against their economic, social and environmental role on a scale of three stars (principally designed to be sustainable) to no stars (neutral). The suite of landscape and countryside policies considered includes policies additional to those in the submitted Plan and two Infrastructure policies are omitted from the assessment. It is notable that the methodology does not permit a conclusion that a policy is considered to have a negative impact on sustainability. Nevertheless, my own assessment is that the Plan encourages economic, environmental and social progress and I am satisfied that the Plan meets this Basic Condition. It takes a positive approach overall to meeting the social and economic development needs of the Neighbourhood Area and respecting the natural and historic environment and where individual policies are unduly restrictive modifications are recommended.

- [Complete the sustainability assessment so it matches the Policies in the submitted plan in an updated Basic Conditions statement]

### Development plan

46. The Plan must be “*in general conformity with the strategic policies of the development plan*”. The Basic Conditions statement concludes this is the case based on a policy by policy comparison. The assessment omits Policy TX HC9 and two Infrastructure policies are also omitted from the assessment. Appropriate regard has been had to the changing policy environment since the Local Plan was adopted in 2005.

47. Uttlesford District Council did not make any representations on the submitted plan. In response to my request for feedback it stated that “*UDC confirms that the Thaxted Neighbourhood Plan is in general compliance with the strategic policies in the Local Plan.*”

48. There have been no representations on development plan conformity in respect of the 2005 Local Plan. My own assessment is that the Plan is in general conformity subject to addressing my detailed comments and recommendations on the Plan policies.

#### Strategic Environmental Assessment

49. The Plan must be informed by a Strategic Environmental Assessment if it is likely to have significant environmental effects and by a Habitats Regulations Assessment if it is likely to lead to negative significant effects on protected European sites.

50. A screening assessment has been prepared by Uttlesford District Council which concludes that *“the draft Thaxted Neighbourhood Plan is unlikely to result in significant environmental effects and therefore does not require a Strategic Environmental Assessment”* and that *“the making of the draft Thaxted Neighbourhood Plan is unlikely to result in significant effects on any European sites and consequently the plan does not require Habitat Regulation Assessment.”* Natural England, Historic England and the Environment Agency agree with these conclusions. Furthermore, there are no European Sites recognised for their nature conservation interested which could be potentially affected.

#### Other European obligations

51. The Plan must be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations. The Basic Conditions Statement references an assessment of the potential effects on persons with protected characteristics which concludes that there are no negative and some positive outcomes. I am satisfied that the Plan has appropriate regard to the rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and no contrary evidence has been presented. There has been adequate opportunity for those with an interest in the Plan to make their views known and representations have been handled in an appropriate and transparent manner. The Plan meets this Basic Condition.

## 7. Detailed comments on the Plan policies

52. This section of the report reviews and makes recommendations on each of the Plan's policies to ensure that it meets the Basic Conditions. I provide comments on all policies in order to give clarity on whether the Plan meets the Basic Conditions. The final Policy numbers and some of the supporting text will need to be amended to take account of the recommended changes.

### Heritage and Conservation

53. **Policy TX HC1** – This establishes policy requirements for works in the Conservation Area which will require express consent at a future date following introduction of an Article 4 Direction.

54. The Policy is supported by evidence of changes under permitted development rights being made to non-listed buildings in the Conservation Area with damaging results. There is support for greater direct control in the Thaxted Conservation Area Appraisal and Management Plan.

55. Whatever the merits of an Article 4 Direction, it is not a matter for planning policy and nor can a planning policy anticipate a future potential situation in which an Article 4 Direction is introduced during the Plan period. This would not provide the clarity required of the Plan's policies. Uttlesford District Council drew attention to the opportunity to amend the policies at pre-submission stage so they addressed matters subject to planning control. This opportunity has not been taken.

56. Policy TX HC1 does not meet the Basic Conditions. If an Article 4 Direction is introduced at some future stage then this is a matter that could be addressed through a modification to the Plan.

- **Delete Policy TX HC1**



57. **Policy TX HC2** – This establishes policy requirements controlling the colour of elevations brought under planning control through an Article 4 Direction at a future date.

58. Whatever the merits of an Article 4 Direction, it is not a matter for planning policy and nor can a planning policy anticipate a future potential situation in which an Article 4 Direction is introduced during the Plan period. This would not provide the clarity required of the Plan’s policies. Policy TX HC2 does not meet the Basic Conditions. If an Article 4 Direction is introduced at some future stage then this is a matter that could be addressed through a modification to the Plan.

- **Delete Policy TX HC2**

59. **Policy TX HC3** – This requires development to respect the setting and significance of heritage assets and where it does not it shall be refused. It also requires certain development proposals to be accompanied by a Heritage Statement.

60. The importance of the setting of heritage assets is well established, including in national planning policy (NPPF paragraph 128). The Policy is supported by significant evidence, include past and present assessments of the views around Thaxted and the character of the historic settlement. This evidence is directly referenced in the Policy which is both unnecessary and detracts from its clarity.

61. The Policy is prescriptively worded in stating that development shall *“only be permitted”* if it respects the setting and significance of the setting and that it *“shall be refused”* where it causes harm. This is unduly prescriptive and is not consistent with national planning policy which distinguishes between substantial and less than substantial harm to designated heritage assets and also the importance of non-designated heritage assets (NPPF paragraphs 133-135.)

62. Policy TX HC3 is contained within a section titled *“The importance of setting”* but it also addresses the much wider issue of the significance of heritage assets and the section heading should reflect this. The Policy should relate to the *“neighbourhood area”* rather

than the parish, which has the potential to be amended during the Plan period. There is a lack of clarity in applying the policy to the “*village*” as there are other small settlements in the neighbourhood area in addition to Thaxted.

63. The second part of the Policy relates to a separate requirement to provide a Heritage Statement for development in the Conservation Area and for all built structures outside it. The Policy would apply to all built structures whether or not they have the potential to harm a heritage asset. This would place an unreasonable burden on applicants for development which has no impact on heritage assets and is not consistent with national planning policy (NPPF paragraph 128). The Policy is unclear about the expected content of a Heritage Statement.

- **Amend Policy TX HC3 to read “Development within the neighbourhood area should have regard to the setting and significance of heritage assets and the character and appearance of Thaxted. All planning applications for development with the potential to impact on any heritage asset should be accompanied by a Heritage Statement that describes the significance of the asset and assesses the impact.”**
- Add to the supporting text “When preparing a Heritage Statement applicants should have regard to the Historic Settlement Character Assessment for Thaxted (2009), Heritage Assessment (Grover Lewis Associates, 2016) and Central Area Assessment (2016) included in the evidence base for this Plan.”
- Add “and the significance of heritage assets and character of Thaxted” after “*setting*” in section title

64. **Policy TX HC4** – This seeks to minimise signage, avoid certain illuminated signs and require consultation with a view to triggering an Article 4 Direction where required to secure planning controls.

65. This Policy relates to development which does not require express consent or which might otherwise be regulated under regulations for the control of advertisements or highways. Whatever the merits of an Article 4 Direction, it is not a matter for planning policy and nor can a planning policy anticipate a future potential situation in which an

Article 4 Direction is introduced during the Plan period. This would not provide the clarity required of the Plan's policies.

66. The Policy relates specifically to the "*central area*" but its title refers to signage in the Conservation Area. No boundary is provided for the "*central area*" and the two areas may not be contiguous. The Policy also extends beyond the scope of planning policy in requiring consultation with a named post in the local planning authority and the Parish Council. The wording is also unduly prescriptive in ruling out neon or equivalent illuminated signage (rather than allowing for an assessment of its impact) and stating that signage "*shall*" be kept to a minimum and "*shall*" not detract.

67. The Policy needs to be reworded to meet the Basic Conditions and can only address signage which requires express planning consent.

- **Amend Policy TX HC4 to read "Signage within the Conservation Area should be kept to a minimum in terms of both size and number and should not detract from the character or appearance of any heritage asset."**

68. **Policy TX HC5** – This seeks to retain shop fronts in the commercial centre of Thaxted.

69. The Policy is supported by a Map defining the Commercial Centre (consistent with the Local Plan Map for Thaxted's Local Centre) which all lies within the Conservation Area. There is some evidence presented of the harm caused by the loss of shop fronts. The Policy introduces an "*exceptional circumstances*" test for development which would remove shop fronts in the Conservation Area. This is not consistent with national planning policy (NPPF paragraph 138) and the Policy also fails to recognise the requirement for development in a Conservation Area to "*preserve or enhance*" (Planning (Listed Buildings and Conservation Areas) Act 1990). The purpose of the Policy should be placed in the supporting text to aid clarity in the Policy wording. The Policy also applies to all shop fronts whether or not they contribute positively to the character and appearance of the Conservation Area.

- **Amend Policy TX HC5 to read “Development proposals in the commercial centre should retain shop fronts which contribute to the character and appearance of the Conservation Area where appropriate.”**
- Add to the supporting text – “The commercial centre referred to in Policy TX HC5 is defined in Map 4.”

70. **Policy TX HC6** – This seeks to protect retail uses in the commercial centre of Thaxted through controlling specified changes of use.

71. This Policy is highly prescriptive in barring any change of use from retail or food and drink to residential or “*non-town centre uses*” at ground floor. It then introduces a number of different policy tests in Primary and Secondary Frontages, some of which relate to A1 retail uses and some of which apply to all uses. There is no definition of “*non-town centre uses*” although paragraph 4.8.3 provides a list of what “*can include*” town centre uses. The purpose of the Policy should be placed in the supporting text to aid clarity in the Policy wording. The Policy lacks clarity and does not provide the clear framework required by national planning policy.

72. The Policy does not refer to any significant evidence base and specifically there is no evidence supporting a different approach for primary and secondary frontages. I note that Thaxted Local Policy 1 in the adopted Local Plan is also highly prescriptive in restricting changes from town centre to residential uses.

- **Amend Policy TX HC6 to read “Development proposals which support the vitality of Thaxted’s commercial centre and diversify and enhance the range of shops, services and community facilities will be supported where they preserve or enhance the Conservation Area. Any proposals to change uses at ground floor level from town centre to non-town centre uses should demonstrate:**
  - **there will be no significant harm to the vitality of the centre;**
  - **any noise, fumes, smells or other disturbance to neighbouring properties will be acceptable; and**

- **access arrangements, deliveries and off-street parking can be satisfactorily provided without any significant negative impact on surrounding residential or village centre amenity.”**
- Delete the last sentence of the supporting text and add “The commercial area referred to in Policy TX HC6 is defined in Map 4. For the purposes of Policy TX HC6 town centre uses include shops, services, community uses, restaurants, pubs, arts, cultural and tourist development.”

73. **Policy TX HC7** – This requires changes to shop fronts in the Conservation Area to preserve or enhance the significance of heritage assets and for a named officer post in the local planning authority and the Parish Council to be consulted. It also bars neon and internally illuminated signs.

74. There is significant overlap between Policy TX HC7 and Policies TX HC4 and TX HC5. There is an existing legal requirement for any development to preserve or enhance the character and appearance of a Conservation Area and the impact on character and appearance is dealt with in other policies (e.g. TX HC3, TX HD11). The issues addressed in Policy TX HC7 are therefore covered by other policies, as modified, and existing legal requirements. It is superfluous and does not meet the Basic Conditions.

- **Delete Policy TX HC7**

75. **Policy TX HC8** – This designates nine areas as Local Green Space and introduces policy requirements controlling their development. It also references designation of one of the sites under another policy.

76. The Policy is supported by maps showing the boundaries for each of the nine areas, some of which are contiguous with each other. There has been public consultation on the proposals.

77. The power to designate Local Green Spaces is an important one for neighbourhood planning. The National Planning Policy Framework notes that designation will not be

suitable for most green spaces. Once designated Local Green Space has protection equivalent to Green Belt.

78. My consideration of this Policy addresses both the overall approach and the rationale for each designation.

79. Policy TX HC8 conflicts with national planning policy in terms of the effect of a Local Green Space designation. The Policy states *“planning permission will be refused for any form of development other than items of a purely garden nature or proposals that enhance the quality of the Space”* whereas the NPPF states the designation will *“rule out new development other than in very special circumstances”*. There is a significant difference between these approaches. The Policy lacks any definition of *“garden nature”*.

80. The Policy suggests there is some confusion about the purposes for which Local Green Spaces can be designated. Paragraph 4.10.3 states that the nine locations are being *“protected principally for their heritage contribution”* and the Recreation Ground is cited in the Policy as needing further designation as open space because of *“its importance for sport and recreational use.”* The NPPF sets out the criteria to be met for an area to be designated in paragraph 77. This includes *“recreational value (including as a playing field)”* and includes more than *“historic significance”*.

81. To ensure clarity Policy TX HC8 should simply designate Local Green Spaces to which national policy will then apply.

82. Only limited evidence was submitted with the Plan to justify the case for each area to be designated as Local Green Space. On request I was supplied with a systematic assessment of each site in accordance with the criteria in national planning policy. I visited each of the sites to consider the assessment:

LGS1- Churchyard of the Church of St. John the Baptist: This prominent area of green space lies at the heart of Thaxted, has strong historic associations and provides the immediate setting for the Grade I listed church. It includes important pedestrian routes.

LGS2 - The adjacent memorial garden: This is a small area of green space in the heart of Thaxted with strong historical associations. I considered whether LGS1 and LGS2 comprise a single area of Local Green Space and concluded that the different roles, change in height and physical boundary between them provides sufficient separation.

LGS3 - The graveyard, graveyard extension and land leading to the windmill: This is a large area of open land which defines the immediate character of this part of Thaxted and provides a green wedge and setting for the prominent windmill. It is on an important footpath route.

LGS4 - The graveyard of the United Reformed Church: This more secluded area of green space behind the United Reformed Church makes an important contribution to this part of Thaxted's centre.

LGS5 - Margaret Street Garden: This small area provides public open space in the heart of Thaxted and is used as a pocket park. It is visible from the surrounding roads.

LGS6 - The Conservation Garden in Margaret Street: This is an area of green space entirely hidden from public view by a significant flint and brick boundary wall. It is only accessible when unlocked. The Conservation Garden is being restored by local volunteers. I have considered whether this lack of open access and visibility is compatible with designation as Local Green Space and concluded that the site's strong local associations and central location mean it is special enough to warrant designation.

LGS7 - Clarence House garden: This is a private garden hidden from public view by a high brick wall, which can only be seen through an iron gate. It contributes to the setting of Clarence House and is at the heart of the village. I can see no merit in designating private gardens which make no visual contribution to the public realm as Local Green Space. The site is already afforded significant protection as it is located in a Conservation Area and contributes to the setting of a Grade I listed building.

LGS8 - Brooklyns garden: This is a private garden hidden from public view by a low flint or brick wall and high hedge. There is a limited view through the access gate and the green space includes a prominent tree. I noted on my site visit that it is subject to a planning application for the demolition of an existing outbuilding and construction of a new dwelling in the area proposed as Local Green Space. I can see no merit in designating private gardens which make such a limited visual contribution to the public realm as Local Green Space and no evidence was provided to the contrary.

LGS9 - Walnut Tree Meadow and land adjacent to Copthall Lane: This is an appealing area of wilder land on the edge of Thaxted and close to new housing development. It is clearly well used by local people for recreation. The eastern boundary is defined in terms of land ownership and I have considered whether it is clear enough on the ground and whether the area might be considered "*an extensive tract of land*" in terms of national planning policy. I have concluded that the different management practices which support a visual separation from the open countryside are sufficient to consider the site as "*local in character*".

83. On the basis of the evidence provided and my own visit to each of the proposed Local Green Spaces I am satisfied that all but LGS7 (Clarence House garden) and LGS8 (Brooklyns garden) are appropriate proposals. The two private gardens are not supported by sufficient evidence to be "*demonstrably special to local people*" and warrant designation. Their heritage function is also recognised in other planning policies.

- **Amend Policy TX HC8 to read "The seven areas shown in Map 5 are designated as Local Green Space where inappropriate development should not be approved except in very special circumstances."**
- In the third sentence of paragraph 4.10.2 replace "*are considered to be of greatest importance in a heritage context:*" with "areas meet the requirements for Local Green Space designation:"
- Delete references to LGS7 and LGS8 in the supporting text and make consequential changes to the numbering of the Local Green Spaces and Map 5



- Add the assessment of each of the proposed Local Green Spaces against the criteria in national planning policy provided during the Examination to the Evidence Base for the Plan

84. **Policy TX HC9** – This supports development at Thaxted station which is sympathetic to its historic significance and setting.

85. The Policy is positively worded and recognises the importance of two non-designated heritage assets. The site lies outside the Conservation Area and so it is inappropriate to include a requirement to “*preserve*” the existing buildings.

- **Amend Policy TX HC9 to replace “*preserve*” with “*protect*”**

#### **Landscape and the Countryside**

86. **Policy TX LSC1** – This introduces policy requirements for building outside the development limits of Thaxted.

87. The Policy draws heavily on works commissioned for the neighbourhood plan from Liz Lake Associates to describe and classify the landscape character of the area. A key focus is the importance of Thaxted’s rural setting and the need for future development to reflect the different capacity of different locations to absorb change. The development limits are as defined in the 2005 Local Plan.

88. The wording of the Policy includes unnecessary references to other development plans and the Liz Lake Associates study which means it lacks clarity. There is no justification provided for the four unit threshold on affordable or special needs housing and any such development should be consistent with broader policies about their appropriateness. All planning applications will be considered against all policies in the development plan (including those for specific development sites in the Plan) and these do not need to be included in the Policy. The Policy title is misleading in not addressing the emphasis on the rural setting of Thaxted.

89. The overall effect of Policy TX LSC1 is highly restrictive in stating that development “shall not be permitted” (with limited exceptions) in the vast majority of the land surrounding Thaxted (comprising 12 of the 15 character areas) and any development adversely impacting sensitive views “shall be refused”. The wording of the general approach to countryside protection is similar to national planning policy and consistent with Policy S7 of the 2005 Local Plan. My recommended modifications to the Policy address a number of representations by ensuring that appropriate weight is placed on landscape considerations.

90. The contribution of the landscape around Thaxted to its setting and character is immense. The evidence provided by the new Landscape Character Assessment prepared by Liz Lake Associates provides important new insights on the role played by different areas and also identifies a small number of locations outside the development limits with medium capacity to change. The systematic assessment of key views in the Landscape Character Assessment is sufficiently evidenced but the basis for extending this to include additional supplementary views is not sufficiently justified, especially given this almost doubles the number of views which would be subject to Policy TX LSC1.

91. The Landscape Character Assessment provides more detail than is necessary to achieve the purposes of Policy TX LSC1 which are to protect the countryside across the neighbourhood area and the setting of Thaxted. Both the Policy and supporting maps can be simplified and made much clearer for the purposes of meeting the Basic Conditions.

- **Amend Policy TX LSC1 to read “The countryside will be protected for its intrinsic character and beauty and for its value as productive agricultural land and for recreational use and biodiversity. Development in the sensitive rural setting of Thaxted defined in Map 6 should be connected with agriculture, rural recreation or affordable or special needs housing and respect the key views identified in Map 7.”**
- **Amend title of Policy to add “and rural setting of Thaxted”**
- Delete “Figure 8” on Map 6 and provide:
  - a new map that combines all the LPLCAs except 5, 12 and 13 into a single shade of colour

- a new title that replaces “*Local parish landscape character areas (LPLCAs)*” with “Thaxted’s rural setting”
- an amended key that replaces
  - “*Study area - outer edge*” with “Boundary of rural setting”
  - “*Study area – inner edge*” with “Development limit”
  - “*LPLCA number*” with a box shaded as above and titled “Area of sensitive rural setting”
- Delete “*Figure 9*” on Map 7 and the text accompanying “*Map 7*” and provide:
  - a new map that includes only the “*key views*” in the current Figure 9 and does not include the “*supplementary views*” or location of approved planning application
  - a new title that replaces “*Views and photograph locations*” with “Key views”
  - an amended key that replaces
    - “*Study area - outer edge*” with “Boundary of rural setting”
    - “*Study area – inner edge*” with “Development limit”
    - “*Key view photograph location*” with “Key view”
    - and deletes reference to supplementary views and approved planning applications
- Make consequential amendments to the supporting text including adding at the end of paragraph 5.3.5 “The 13 parcels are combined into a single area showing the sensitive rural setting of Thaxted in Map 6. Consideration should be given to the Landscape Character Assessment (Liz Lake Associates, 2016) when considering development impacting on the sensitive rural setting or key views around Thaxted.”

92. **Policy TX LSC2** – This establishes landscape planning guidelines to be considered by development proposals and also supports development which contributes to or enhances local distinctiveness.

93. The landscape planning guidelines are provided in an Appendix and are extracted from the Landscape Character Assessment. They provide a small number of high level principles for each of the 15 Local parish landscape character areas and also provide land management guidelines which go beyond the scope of planning policy. The Policy will need

to be supported by a renumbered version of Figure 8/Map 6. The title of the Appendix is not consistent with the Policy and there is a risk of confusion over the relevance of the land management guidelines which are also provided.

94. The Policy is unduly restrictive in requiring all development to be *“consistent with”* the landscape guidelines and the judgement about the weight attached to them is also informed by the fact they are only *“suggested”* guidelines.

95. Policy TX LSC2 can be simplified to remove unnecessary references to the evidence base. There is potential confusion over the section title (*“Conservation and enhancement”*) and the Policy title (*“Protection and improvement of the Landscape”*). The supporting text is equivocal in stating that the landscape guidelines are only to be proposed. The Policy is unclear as to whether its second part relates to the whole neighbourhood area or the area of Thaxted’s setting.

- **Amend Policy TX LSC2 to:**
  - [Retitle as **“Protection and enhancement of the Landscape”**]
  - Replace ***“be consistent with”*** with **“have regard to”**
  - Add **“for the local parish landscape character areas identified in Map 8”** after ***“Appendix I”***
  - Delete second sentence beginning ***“This replicates.....”***
  - Replace ***“In relation to any proposed development proposals will be sought which, through effective planning both”*** with **“Development proposals in Thaxted’s rural setting will be supported which”**
  - **Make the amendments recommended for Policy TX LSC4**
- [Retitle 5.4 as **“Landscape protection and enhancement”**]
- Retitle Appendix I as **“Guidelines for local parish landscape character areas”**
- Insert a new Map 8 which provides the information in Map 6 of the submitted Plan and provide an amended key that replaces:
  - **“Study area - outer edge”** with **“Boundary of rural setting”**
  - **“Study area – inner edge”** with **“Development limit”**

- Replace the supporting text in 5.4.1 and 5.4.2 with “The Landscape Character Assessment (Liz Lake Associates, 2016) identifies opportunities for both landscape enhancement and protection in the rural setting of Thaxted. It provides landscape and land management guidelines for each of the 16 local parish landscape character areas and planning applications should have regard to the landscape planning guidelines where appropriate. The land management guidelines in Appendix I address issues outside the scope of planning control.”

96. **Policy TX LSC3** – This sets out specific requirements for information accompanying development proposals affecting sites with natural landscape features and also identifies eight locations which are *“important as wildlife habitats and deserving of protection.”*

97. The Policy is backed by details of strong public support for the protection of wildlife sites and the eight locations were identified through questionnaire responses. While public support is important, it does not constitute evidence and there is evidence provided of the ecological value of only one of the identified sites in the Wild Thaxted Bioblitz report (2016). The locations and the boundaries of the eight locations important for wildlife are not provided. Given this lack of evidence and location information Policy TX LSC3 needs to be modified to remove reference to individual sites if it is to meet the Basic Conditions. These sites could be considered for a policy if the evidence was provided as part of a future neighbourhood plan review.

98. The Policy’s requirements for information to accompany all planning applications on sites with natural landscape features would require significant investment by applicants in providing surveys and plans. This would place an unreasonable burden on applicants where the potential impact was not significant. The Policy omits to reference sites of wildlife value. The section and policy titles are potentially misleading given the emphasis placed on landscape features. I share Essex County Council’s view that the Policy should address how impacts have been identified and minimised but this is not an issue for the Basic Conditions.

- **Amend Policy TX LSC3 to**

- begin “Planning applications for development proposals that may have a significant impact on trees, ponds, ditches, banks, established grassland or other natural features or areas of wildlife importance should be accompanied by:”
- [insert “and an assessment of any impact on such features” at the end of the first bullet]
- [insert “and minimised any impacts” at the end of the second bullet]
- delete the last sentence beginning “*The sites listed above.....*”
- Add “and landscape features” after “Wildlife habitats” in both the section title (paragraph 5.5) and policy title
- In paragraphs 5.5.1 and 5.5.2 delete from “*The following specific sites*” to “*also revealed that*” and insert “to the questionnaire” after “*respondents*”.
- Insert the text in 5.5.1 from “*The following specific sites*” to “*Tennis Courts*” in a new paragraph 5.5.2

99. **Policy TX LSC4** – This requires a landscape and visual appraisal to accompany particular planning applications and also introduces policy requirements in respect of the landscape setting.

100. It is unclear whether Policy TX LSC4 applies to the whole neighbourhood area outside Thaxted’s development limits or to the area of Thaxted’s setting. The latter interpretation is implicit in the policy focus on the “*surrounding landscape setting*”.

101. The second part of Policy TX LSC4 is addressed in other policies (including TX LSC2) and creates unnecessary confusion and duplication.

102. The requirement to provide a landscape and visual impact assessment would be more appropriately included as a part of an amended Policy TX LSC2.

- **Delete Policy TX LSC4**

- **Add to end of amended Policy TX LSC2 “Development proposals with a significant impact on the landscape setting of Thaxted should be accompanied by a landscape and visual impact appraisal.”**
- Include the supporting text in Section 5.6 in Section 5.4

103. **Policy TX LSC5** – This introduces policy constraints on development in “*outlying settlements*”.

104. Six outlying settlements are identified as “*rural hamlets*” in the supporting text although there is no map provided to identify their location or boundary showing their extent which can be referenced in the Policy. This Policy has received significant support from residents making representations on the submitted Plan, including a significant number living in Monks Street. A part of Stanbrook and Cutler’s Green lies within the setting of Thaxted and is subject to other specific policies in the Plan. Policy TX LSC1 applies to all the outlying settlements as does Policy S7 of the 2005 Local Plan which recognises scope for sensitive infilling. The Policy needs to be more positively worded to support appropriate infill with the protection of other land already addressed elsewhere in the Plan.

105. The Policy includes unnecessary references to other planning policies and lacks the clarity of wording required to meet the Basic Conditions. There is no evidence provided as to why infill development should be limited in all cases to single dwellings. There may be circumstances where the size and nature of potential infill sites could accommodate more than a single dwelling. Only small scale residential development would meet the requirement of the Policy as modified as it relates only to extensions, replacements or infill sites.

- **Amend Policy TX LSC5 to read “Appropriate development proposals for residential extensions, replacement of existing dwellings or undeveloped infill sites between existing dwellings and for the re-use of existing commercial sites and conversion of existing buildings for commercial uses shall be supported in the following outlying settlements:**
  - **Stanbrook**

- **Cutler’s Green**
- **Bardfield End Green**
- **Richmond’s Green**
- **Sibley’s Green**
- **Monk Street.**

**All such development should have regard to the setting and significance of heritage assets and the character and appearance of the landscape.”**

### **Housing and Design**

106. **Policy TX HD1** – This provides a particular policy approach to defining and supporting sustainable development.

107. This Policy relates to all development in the neighbourhood area and not just housing development despite its location in Chapter 6 of the Plan. It is based on a definition of sustainable development focused on the provision of necessary social infrastructure and compatibility with landscape and historic character. This is not consistent with that in national planning policy (e.g. NPPF paragraphs 14 & 17). Policy TX HD1 does not add value to the Plan and does not meet the Basic Conditions. The need for development proposals to address heritage and landscape issues is dealt with in other areas of the Plan. The importance of development matching the availability of social infrastructure is more appropriately addressed in Chapter 8.

- **Delete Policy TX HD1**

108. **Policy TX HD2** – This sets out policy criteria to ensure sensitive residential development and establishes a maximum size of 15 units for any single residential scheme.

109. The Plan includes a significant evidence base demonstrating the importance of the area’s landscape character and its historic significance. It is also supported by a Housing Needs Survey. These combine to produce a sensitive approach to new residential development that provides for a mix of housing over the plan period. Nevertheless, there is no evidence to support a development limit of 15 units *“having regard to Thaxted’s limited*



*infrastructure and environment.*” The fact of strong community support for this approach does constitute evidence to justify such a specific threshold. In response to a request for evidence to justify the threshold it was confirmed that 15 units “*simply became the maximum size by default*” as it corresponded to the considered capacity of the largest site allocated for housing development. This provides no basis for a general threshold of 15 units being established across the neighbourhood area. The remainder of the Policy largely repeats other policies in the Plan and should be worded more positively to meet the Basic Conditions.

- **Amend Policy TX HD2 to read “Development proposals for residential development shall be supported which respect the streetscape and historic and landscape character, conserve or enhance heritage assets and open spaces, and do not adversely impact the key views of Thaxted.”**

110. **Policy TX HD3** – This supports a mix of housing types, including a minimum target of 50% one and two bedroom dwellings and support for bungalows.

111. The Policy is supported by evidence from the Housing Needs Survey that 68% of respondents expressed a need for one or two bedroom properties. This evidence does not address a housing market that extends beyond the neighbourhood area and it is insufficient to justify such a precise threshold. No further evidence was provided to justify the 50% threshold when requested. Policy H10 of the 2005 Local Plan seeks a “*significant proportion*” of “*smaller properties*” on sites over 0.1ha or of three dwellings or more.

- **Amend Policy TX HD3 to read “Residential development proposals shall be supported which meet the need for a housing mix including a significant proportion of one and two bedroom properties and single storey dwellings which accommodate the needs of the elderly.”**

112. **Policy TX HD4** - This addresses affordable and special needs housing with an emphasis on meeting the needs of people with a “*strong Thaxted connection*”. A separate part of the Policy supports affordable housing on exceptions sites.

113. The Policy is supported by a reasonable definition of a strong Thaxted connection subject to the removal of provisions for the Parish Council to have “*absolute discretion*” in determining “*other special circumstances*” that qualify. This criterion lack certainty and could result in an inconsistent approach.

114. The Policy relates solely to affordable housing and does not address the “*special needs*” included in both the Section and Policy title. The Policy also lacks a definition of affordable housing for the local area and so this should be consistent with that in national planning policy.

115. The two parts of Policy TX HD4 address different issues and so should be separate policies. There are minor grammatical improvements needed to the wording of the second Policy.

- **Renumber Policy TX HD4-1 as Policy TX HD4 and delete “*the*” before “*affordable*”**
- **Renumber Policy TX HD4-2 as Policy TX HD5 “Rural exception sites” and make the following amendments to the second sentence:**
  - **Replace “*are also to*” with “*should*”**
  - **Delete “*will*”**
  - **Delete “*be acceptable in terms of other planning considerations. In addition they should*”**
- Delete “*Special needs*” in Section title (6.7) and Policy title for TX HD4
- Delete the last bullet in paragraph 6.7.2

#### Site allocations and development opportunities

116. The Plan includes a number of site allocations and development opportunities as separate Policies and provides site specific high level policy criteria for their development. They are distinguished by the level of certainty provided by landowners.

117. The approach is supported by the *Assessment of sites for potential development in Thaxted* study in the evidence base which followed a call for sites by the local planning authority in 2015. Other local sources were also used to identify sites. The Plan does not include a policy to make provision for any given housing requirement although it notes that the total of planning consents, allocated sites and other development opportunities would provide for more dwellings than proposed in the draft Local Plan published in 2017. In the absence of a relevant Plan policy it will be for the Local Plan to consider the overall housing requirement for the parish and ensure the necessary provision, informed by that in the Plan if it is made. There is a mismatch between the information on housing supply provided in paragraph 6.5.3 and that on page 5 of the *Assessment of sites for potential development in Thaxted* and it is important that the final Plan includes an up to date summary which is agreed between the Qualifying Body and local planning authority.

118. The assessment of sites and public consultation process for arriving at those identified in the Plan is reasonable. There is also evidence of direct consultation with landowners. I am satisfied with the overall approach.

119. Although the assessment criteria used by the local planning authority are different, there is consensus on all but one site. The local planning authority concludes that land to the east of The Mead is *“available and considered suitable and development is achievable.”* Conversely, the sites assessment for the Plan concludes *“the caveats on suitability, availability and achievability suggest development of this site will not be sustainable.”* I have no reason to demur from the more recent assessment of sites for inclusion in the Plan, especially given recent housing supply, the capacity being made for available for housing and that the Plan does not rule out development coming forward elsewhere. I have considered other representations on the identification of sites and the site assessment process and do not consider these raise any issues that result in the Plan not meeting the Basic Conditions.

120. I visited each of the six proposed sites to make my own assessment of their potential alongside the evidence provided. The Rescu Site (Policy TX HD7) is actively being developed

following planning consent being secured on appeal. It is not appropriate, therefore, to include it as an allocation within the Plan.

121. Each site specific policy is supported by an assessment of its “*suitability*” which comprises a description of the context and key considerations to be addressed in any future development. Given the significance of this text and the way it is referred to in a number of the site specific policies, the heading should be clarified as providing the “*Suitability considerations*” for the site. The importance of the Central Area Assessment should also specifically be identified in the supporting text as part of the suitability considerations.

122. **Policy TX HD5** – This allocates the Claypitts Buildings site for up to 15 residential units.

123. This is a suitable site. The policy requirements to be met in developing the site are unclear and comprise a mix of issues addressed in the supporting text, the Central Area Assessment and the Policy. The requirement for at least 50% of the dwellings to be one and two bedrooms is not justified nor is a 15 dwelling cap on the amount of development as this will be dependent on design and other considerations. There is no indication that an assessment of the site’s capacity has been undertaken. I note that the site is currently the subject of an outline planning application which was originally for up to 16 units.

124. **Policy TX HD6** – This allocates the Levetts Farm site for three detached units.

125. This is a suitable site with an expired residential planning permission. There is no clear justification for why Policy TX HD3 should not be relevant to the development of the site. It will also have to address all other development plan policy considerations. There is no evidence provided to justify a three dwelling cap on the amount of development as this will be dependent on design and other considerations. There is no indication that an assessment of the site’s capacity has been undertaken. There is a need for consistent wording in the Policy and supporting text in relation to design and landscaping.

126. **Policy TX HD8** – This identifies the Coach Park site as an opportunity to provide for future access and infrastructure supporting development of the Claypitts Buildings site, provision for coach parking and other suitable development.

127. This is a suitable site. The policy requirements to be satisfied should be clarified by a single reference to the suitability considerations identified.

128. **Policy TX HD9** – This identifies the Brethren Meeting Hall site as a possible opportunity for housing development.

129. This is a suitable site. The site's development is not dependent on the sale of the site by its owners and the policy requirements to be satisfied should be clarified by a single reference to the suitability considerations identified. There is no evidence provided to justify a seven dwelling cap on the amount of development as this will be dependent on design and other considerations. There is no indication that an assessment of the site's capacity has been undertaken.

130. **Policy TX HD10** – This identifies land fronting Bardfield road as a development opportunity for four one or two bedroom affordable units.

131. This is a suitable site. A policy identifying land solely for the provision of affordable housing is not consistent with national planning policy. The site will be subject to other development plan policies, including in respect of the provision of affordable housing, and it will be for the owner to decide whether to exceed this requirement. There is no evidence provided to justify a four dwelling cap on the amount of development as this will be dependent on design and other considerations. There is no indication that an assessment of the site's capacity has been undertaken. The policy requirements to be satisfied should be clarified by a single reference to the suitability considerations identified.

- Replace the section title "*Suitability*" with "*Suitability considerations*" in the supporting text for each site specific policy

- Insert “The Central Area Assessment includes important considerations which should be addressed in any development proposals.” in the “Suitability considerations” for each site specific policy
- **Amend Policy TX HD5 to delete “of up to 15 units” and insert “in the suitability considerations” after “identified” and delete the remaining text**
- Delete the last sentence of the first paragraph describing the “Suitability” of the Claypitts Building site on page 52
- **Amend Policy TX HD6 to:**
  - **replace the second “the” with “residential**
  - **delete “of three detached units”**
  - **insert “and landscaping” after “design”**
- Insert “The site could accommodate three detached dwellings” after “*redundant farm buildings*” in the Suitability considerations for the Levetts Farm site
- Replace the last paragraph of the Suitability considerations for the Levetts Farm site on page 54 with “There are sensitivities associated with the neighbouring properties and design and landscaping which need careful attention.”
- **Delete Policy TX HD7 and make consequential changes to the numbering of other TX HD policies**
- **Amend Policy TX HD8 to read “This site shall be safeguarded for the provision of:**
  - **any access and infrastructure needs associated with the development of the adjacent Claypitts Building site,**
  - **parking for at least one coach**
  - **other suitable development.**

**Development proposals should have regard to the suitability considerations for the site, including the relationship between use of the site and Thaxted Primary School.”**

- **Amend Policy TX HD9 to read “This site is identified as providing an opportunity for residential development having regard to the suitability considerations for the site.”**
- Add “It is anticipated that the scheme would not involve buildings of more than two storeys in height and will fully reflect the Conservation Area status of the site in

terms of design and finishes. Unit numbers will depend on layout and mix but it is anticipated that 6-7 two bedroom units might be possible subject to the provision of adequate car parking. Any application should be accompanied by a flood risk assessment and a statement with regard to proposed mitigation measures.” to the Suitability considerations on page 60

- **Amend Policy TX HD10 to read “This site is identified as providing an opportunity for residential development having regard to the suitability considerations for the site.”**
- Add “Provision would need to be made for a building for the local Scout group onsite or elsewhere in the village.” to the Suitability considerations on page 61.
- Update the supporting text in paragraph 6.5.3 to include the latest information on housing supply as agreed with the local planning authority, informed by the information provided on page 5 of the *Assessment of sites for potential development in Thaxted*.

132. **Policy TX HD11** – This establishes a series of consultation and design requirements for new development in Thaxted.

133. The need for new development to be of a high design standard in Thaxted is self-evident and it is an important role for neighbourhood planning to draw out key local design considerations. The Policy is, however, both prescriptive and lacking in clarity. The rationale for a two part policy is unclear and some of the requirements are set out in the supporting text while others are included in the policy wording. The Policy introduces requirements for consultation outside the scope of planning policy which can be made clearer by considering the approach of national planning policy.

134. Policy TX HD11 lacks any evidence base supporting a 300 sq m threshold for additional consultation or a 5.9m maximum eaves height for development. Its emphasis on “local vernacular” is in conflict with national planning policy that “*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.*” (NPPF paragraph 60). The NPPF does

support local distinctiveness. It is also noted that while the Policy states that “Weatherboarding is not a part of the Thaxted ‘style’ and its use as a cladding material should be limited” the Central Area Assessment identifies numerous examples of the positive use of weatherboarding, including in relation to new development. The Policy approach is, therefore, too restrictive given the evidence provided.

135. Policy TX HD11 seeks to extend the requirement for development to “*preserve and enhance*” beyond the Conservation Area to the whole of Thaxted. Given the legal requirements for development in the Conservation Area and the other policies in the Plan it is not necessary to include different requirements for development inside and outside the Conservation Area.

136. Without significant modification Policy TX HD11 does not meet the Basic Conditions.

- **Amend Policy TX HD11 to read “Development proposals which respect the distinctive built environment and character of Thaxted shall be supported. Particular consideration should be given to:**
    - **recognising local distinctiveness in respect of design, choice of materials, height, scale, spacing and layout;**
    - **making a contribution to the street scene with a choice of materials and finishes that is sympathetic to other buildings in the vicinity;**
    - **retaining and protecting existing trees and hedgerows and ensuring new boundary treatments reflect the distinct local character in respect of specification and design;**
    - **respecting historic and landscape character and the streetscape, conserving or enhancing heritage assets and open spaces, and not adversely impacting the key views of Thaxted; and**
    - **maximising safe routes between new development and the existing village by linking into existing footpaths and bridleways.**
- Applicants are encouraged to engage in early discussion with the community about the design and style of emerging schemes and take account of their views.**



**Applications that can demonstrate early, proactive and effective engagement with the community will be looked on more favourably than those that cannot.”**

- Replace “*be no more than 5.9m*” with “respect neighbouring buildings” in paragraph 6.9.2
- Add “In providing evidence to support development proposals applicants should have regard to the Historic Settlement Character Assessment for Thaxted (2009), Heritage Assessment (Grover Lewis Associates, 2016) and Central Area Assessment (2016) included in the evidence base for this Plan.” to the supporting text in Section 6.9.

### **Tourism and the Economy**

137. **Policy TX TLE1** – This supports sympathetic development proposals which enhance the quality of tourism.

138. This Policy is positively and appropriately worded. It meets the Basic Conditions.

139. **Policy TX TLE2** – This supports sympathetic works to historic buildings.

140. This Policy is positively worded. It will be relevant only to works which require express planning consent. With one exception the examples included are all listed buildings and so any works would require listed building consent. The policy leaves open the definition of “*buildings of historic note*”. I have considered whether it provides the clarity necessary to meet the Basic Conditions and determined that it is appropriate for the historic contribution of any building to be considered as part of the determination of a planning application. There is more than one “*church*” in Thaxted so the Policy needs amendment to clarify reference to the Church of St John the Baptist.

- **Amend Policy TX TLE2 to replace “*church*” with “Church of St John the Baptist”**

141. **Policy TX TLE3** - This supports small scale employment development subject to a range of policy considerations and resists that which would have an adverse impact.

142. While Policy TX TL3 takes a positive approach to some employment related development it is unduly restrictive in stating that other development with adverse impacts will be “*resisted*”. There is no evidence presented for why a development generating, for example, a single additional HGV movement should not be supported if it brings other benefits to the area. The Policy also lacks any definition of “*small scale*”. The Policy’s clarity is not helped by listing the documents in the Plan’s evidence base or citing the need for development not to conflict with other policies. All planning applications will be considered against all relevant development plan policies and these deal with all the requirements including in the policy with the exception of lorry movements.

- **Amend Policy TX TLE3 to read “Appropriate employment development which contributes to the local economy and does not generate a significant lorry impact on the road network will be supported.”**

143. **Policy TX TLE4** – This permits appropriate conversions of farm buildings subject to a number of policy criteria.

144. The Policy is in conflict with the positive approach to sustainable new development in rural areas in national planning policy (NPPF paragraph 28). In particular, there is no evidence provided to support a requirement for applicants to demonstrate a “*specific need*” for conversion of a redundant farm building. Other Plan policies deal with the other considerations included in the Policy. I have considered whether the Policy is consistent with national planning policy for the reuse of rural buildings for residential use and concluded that this is not ruled out by the Policy as amended and so there is no conflict with the Basic Conditions.

- **Amend Policy TX TLE4 to read “The appropriate conversion of redundant farm buildings to alternative employment uses will be supported.”**

## **Infrastructure**

145. **Policy TX IFS1** – This rules out any new housing development without “*assurances*” that children of primary school age can be schooled locally without bussing.

146. The Policy is supported by evidence of the pressure of new development on the capacity of Thaxted Primary School. The Plan describes how this is being actively considered by the Local Education Authority, although some of the content and tone is disputed by the Local Education Authority. I share its view that references to named officers should be deleted. However unfortunate, it is not the role of planning policy to address capacity constraints in the local school. This is a matter for the Local Education Authority. Policy TX IFS1 is highly restrictive and in breach of the Basic Conditions.

- **Delete Policy TX IFS1**
- Delete references to named officers of the Local Education Authority in the supporting text

147. **Policy TX IFS2** - This supports appropriate expansion of the primary school including satisfactory arrangements for the delivery and collection of children.

148. The Policy can be more positively worded. It also addresses matters outwith planning control, such as a desire that no Thaxted child is denied a place.

- **Amend Policy TX IFS2 to read “Development proposals for the expansion of Thaxted Primary School shall be supported which:**
  - **respect the character of the original Victorian buildings;**
  - **are sensitive to its location in the Conservation Area; and**
  - **are accompanied by a satisfactory travel plan for the delivery and collection of pupils.”**

149. **Policy TX IFS3** – This supports an extension to Thaxted surgery subject to specific policy requirements.

150. The Policy is positively worded. The expectation of a development brief being provided prior to submission of a planning application is unduly onerous.

- **Amend Policy TX IFS3 to replace “*The developer will be expected*” with “Applicants are encouraged”**

151. **Policy TX IFS4** – This gives “*considerable weight*” to the impact of development on local footpaths and seeks new housing development that has footpath access.

152. There is evidence of the importance of the footpath network in and around Thaxted. Nevertheless, this does not support a Policy giving additional weight to its role when compared to other policy considerations. Policy TX IFS4 can also be more positively worded.

- **Amend Policy TX IFS4 to read “Planning applications should give consideration to the impact of development on local footpaths and the opportunities to provide appropriate footpath access.”**

153. **Policy TX IFS5** – This requires all development proposals involving new buildings to be accompanied by a flood risk assessment.

154. The Policy is a response to a significant surface water flooding event in 2014 and the vulnerability of significant areas of the town to surface water flooding is confirmed by the Environment Agency flood risk mapping. A requirement for all planning applications to be accompanied by a flood risk assessment places an onerous burden on applicants given the majority of the neighbourhood area lies outside the area at risk of flooding. An amended Policy can meet the specific needs that arise from Thaxted’s vulnerability to surface water flooding.

- **Amend Policy TX IFS5 to read “Planning applications for development likely to increase the risk of surface water flooding should be accompanied by a site-specific flood risk assessment.”**
- Add “The vulnerability of Thaxted to surface water flooding is shown in the Environment Agency Flood Map available here <https://flood-warning-information.service.gov.uk/long-term-flood-risk/map>” to the supporting text.

- Add a reference to the Essex County Council Flood Investigation Report to the supporting text and include it in the evidence base

155. **Policy TX IFS6** – This caveats support for development with a requirement to demonstrate sufficient capacity for sewage treatment.

156. The Policy is supported by evidence that existing facilities are near capacity. Policy TX IFS6 is negatively worded. It is not a matter for neighbourhood planning policy to constrain development due to capacity constraints in sewage treatment but for strategic planning policy to make positive provision (NPPF paragraphs 156, 157 & 162). It is appropriate for the Policy to establish a requirement to provide information about wastewater for developments with a significant impact.

- **Amend Policy TX IFS6 to read “Development proposals likely to have a significant impact on capacity for sewage treatment should demonstrate how this will be satisfactorily addressed.”**

157. **Policy TX IFS7** – This protects the Recreation Ground from inappropriate development.

158. The Policy is negatively worded in seeking to “*preserve*” and identifying the development which will be “*refused*” rather than supported. There is evidence of the value placed by the community on the Recreation Ground but its boundary is unclear and not defined on a map.

- **Amend Policy TX IFS7 to:**
  - **Replace “*preserve*” with “protect”**
  - **Replace “*Planning permission for development will be refused except in relation to*” with “**Development proposals shall be supported for**”**
- Provide a Map showing the extent of the Recreation Ground to the same standard as those provided for Local Green Spaces

159. **Policy TX IFS8** – This supports appropriate provision for redevelopment of the Church Hall and seeks to link this to future housing development on the Bolford Street Hall.

160. The Policy is based on an analysis of the need for improved community facilities and identifies the greatest potential in a redevelopment of the Church Hall. It seeks to support the costs for this through the potential release of the Bolford Street Hall site for residential development. It is not for the Plan to address more than the policy considerations involved in these proposals. The development of the Bolford Street Hall site is a separate planning matter to any plans for the Church Hall, whatever the financial connections that might be made. I note that the Bolford Street Hall site has not been included in the consideration of sites for residential development and it lacks the evidence necessary for it to be identified for new housing. It would also be a loss of a significant community facility. This section of the Policy does not meet the Basic Conditions. The potential development of the Bolford Street Hall site is conveyed in the supporting text and would be subject to other development plan policies. It could also be addressed through a review of the Plan.

- **Amend Policy TX IFS8 to delete the second sentence.**

161. **Policy TX IFS9** – This states that development “*must*” be served by “*up to date communications infrastructure*” which is defined in the Policy as being “*superfast broadband*”.

162. The Policy is prescriptive in its approach to stating what “*must*” be provided and its requirement for “*up to date communications infrastructure*” lacks clarity. The evolution of technology should be addressed through future Plan revisions. A local definition of superfast broadband related to the national broadband delivery programme will provide further clarity.

- **Amend Policy TX IFS9 to read “Development proposals should be designed to connect to superfast broadband where appropriate.”**

- Add to supporting text in paragraph 8.6.6.1 “For the purposes of this Policy superfast broadband means connections of 30Mbps and above as provided through the Superfast Essex programme.”

## **8. Recommendation and Referendum Area**

163. I am satisfied the Thaxted Neighbourhood Plan meets the Basic Conditions and other requirements subject to the modifications recommended in this report and that it can proceed to a referendum. I have received no information to suggest other than that I recommend the referendum area matches that of the Neighbourhood Area.