

Parish Council response to TRDC revised comments on Croxley Green Neighbourhood Plan 2017-2032

Context

1) The Croxley Green Neighbourhood Plan was submitted to Three Rivers District Council on 24th January 2017. TRDC referred the plan to their adviser Stephen Tapper Planning through POSe Ltd to carry out a further review of the Plan to provide independent confirmation that the policies would meet the basic conditions required of a Neighbourhood Plan or Order set out in Paragraph (8) of Schedule 4B of the Town and Country Planning Act 1990 inserted by Schedule 10 of the Localism Act 2011.

2) TRDC provided the report from the independent review to the Parish Council. The report concluded that eight of the proposed policies were considered to meet the basic conditions, seven policies were capable of meeting the basic conditions with minor amendments and five conflicted with Government requirements and should be reconsidered. In the light of the comments from the independent reviewer, on 7th March 2017 TRDC offered the Parish Council an opportunity to reconsider the submitted Plan before TRDC progressed the Regulation 16 Consultation and independent examination of the Plan.

3) In the light of these comments the Parish Council modified the Neighbourhood Plan and the Consultation Statement (but not the Appendices or the “basic conditions” statement) and submitted a revised Neighbourhood Plan and Consultation Statement (dated 31 March 2017) to TRDC on 6th April 2017. These versions were used as the basis for public consultation by TRDC.

4) Following public consultation by TRDC from 21st April to the 2nd June 2017, TRDC submitted the Neighbourhood Plan for independent examination by Ann Skippers Planning on 3 August 2017. TRDC also provided a table of the responses to the public consultation, including (at ref 77) the following:

“Three Rivers District Council: The Council considers the Croxley Green Neighbourhood Plan to fail to meet the Basic Conditions and supports the recommendations made in the POSe Ltd ‘healthcheck’. A number of the issues raised in the POSe Ltd report were resolved in the final submission version of the plan, however there are still several outstanding issues. The Council would also like to raise concerns about overly prescriptive policies relating to allocated sites in our adopted Local Development Plan, with particular concern relating to the Croxley Danes School site.”

5) The responses to the public consultation were provided to CGPC on 28th July 2017. At the request of the Independent Examiner TRDC provided a more detailed statement of the concerns in an e-mail 26th July 2017 from Claire May (TRDC) to Ann Skippers (Independent Examiner).

“Further to the submission of the Croxley Neighbourhood Plan I would like to confirm that our concerns regarding the Plan are echoed in the independent report by S Tapper.”

6) On inspection Croxley Green Parish Council (CGPC) identified that the concerns expressed by TRDC related to the original version of the CGNP submitted 24th January 2017 and not to the revised version submitted 6th April 2017 (dated 31 March 2017) which had addressed the concerns

expressed in the second report from S Tapper (described in section 5 of the revised Consultation Statement). CGPC advised TRDC which issued a revised detailed statement of the concerns in an e-mail dated 14th August 2017 from Claire May to Ann Skippers.

“I would like to clarify that some of our concerns with the first submitted draft plan (which were set out in S Tapper’s report) and detailed in the table in my email of the 26 July 2017 have been addressed in the revised Plan that was submitted. I have added further comments in blue to the table below to make it clear where any concerns remain.”

7) In the interests of clarity and brevity, this detailed response to TRDC’s comments, below, acknowledges the previous correspondence but ONLY refers to remaining TRDC concerns.

8) Following the specific comments, TRDC added

“I also note that that they took the opportunity to add in a few additional policies and wording that were not part of their consultation draft plan and there seems to be no explanation as to why these were made in the consultation statement. I am unable to get an explanation from the Parish at this time but I note that the Neighbourhood Plan Working Party were given delegated powers to make amendments in December 2016.”

9) As a matter of fact, the policies were initially amended in the light of the comments received during the initial consultation and subsequently in the light of the further comments received from S Tapper (POSe Ltd.), from Hertfordshire County Council and the EFA, as described in section 5 of the revised consultation statement [31 March 2017] submitted to TRDC. The amendments were made on behalf of CGPC and submitted to TRDC by the Proper Officer on behalf of the Working Party and the Council on 6th April 2017.

CGPC response to TRDC comments as revised 14 August 2017

| No. | Policy Reference | TRDC Comments | TRDC Recommendation | CGPC Response |
|-----|------------------------------------|---|--|--|
| 1 | Policy CA1 (New Developments) | (original comment) The requirement that the exclusion of Permitted Development Rights is not justified and conflicts with National Policy. It therefore fails to meet Condition a) | The sentence <i>“Generally planning consent for all new development should specifically exclude Permitted Development Rights in order to contain future development and prevent infilling of amenity space”</i> should be removed. | The proposed policy has already been modified in response to comments from Stephen Tapper (POSe Ltd) and now reads: <i>“Generally, where plot sizes are restricted, planning consent for all new development should specifically exclude Permitted Development Rights in order to contain future development and prevent infilling of amenity space.”</i> |
| 1a | Policy CA1 (New Developments) | (revised comment) Additional wording ‘ where plot sizes are restricted’ has been added to the policy but this does not justify removal of Permitted Development Rights. Fails to meet Condition a). | | This is justified by the very small plot sizes of recent developments and the increasing propensity to extend new properties to further reduce the limited amenity space evident from planning applications for extensions submitted to TRDC. CGPC believes that, as it is not a blanket ban, it complies with basic condition 2 (a). <i>“(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order”</i> |
| 2 | Policy CA5 (Landmark Buildings) | (original comment) The Old Lodge House, Baldwins Lane which is in the list of buildings in Policy CA5 is already on the Council’s List of Locally Important Buildings. | Consideration should be given to removing this. | The Croxley Green Local List on the TRDC website does not currently include The Old Lodge House, Baldwins Lane: Croxley Green Local List (pdf) |

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| 2a | Policy CA5 (Landmark Buildings) | (revised comment) Reference to The Old Lodge House should be removed from the list. | | If the Old Lodge House is currently listed, then the local list needs to be updated (and the Old Lodge House removed from the CGNP). If not, then it should remain in the CGNP. |
| 3 | Policy HO1 (Satisfying local housing needs) | (original comment) Seeks to insist on provision of affordable housing/starter homes and/or provision of residential care homes in all new developments of 5 dwellings or more. No objective evidence has been produced that justifies a different requirement than that in the Local Plan. This policy therefore conflicts with Conditions (a) and (e) | The policy should be removed. | Policy HO1 had already been modified in line with the further comments from S Tapper (POSe Ltd). It does not include <i>“provision of affordable housing/starter homes and/or provision of residential care homes in all new developments of 5 dwellings or more”</i> Therefore it complies with basic conditions 2(a) and 2(e). |
| 3a | Policy HO1 (Satisfying local housing needs) | (revised comment) Policy wording has been changed to ‘All new housing proposals should consider the needs of at least one of these local priority groups’. There is still no objective evidence to justify a different requirement than that in the Local Plan. | | This proposed policy is based on <ul style="list-style-type: none"> i. The TRDC’s original Strategic Market Assessment (2010) modified in the light of ii. Discussions with local estate agents during the development of the Neighbourhood Plan and iii. Parish Council’s experience of reviewing all local planning applications since 2010 |
| 3b | Policy HO1 (Satisfying local housing needs) | (revised comment) Additional wording (Previously in Policy HO5 – see below). ‘All proposed major developments | | CGPC believe the comment may refer to TRDC Local Plan Core Strategy core policy CP3 – Housing Mix and Density. This proposed policy is based on |

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| | | <p>should have as <i>[sic]</i> least two dwelling types...'</p> <p>The requirement that major developments should have at least 2 dwelling types is not supported by any evidence that would outweigh that of the Local Plan evidence for Policy CP2 of the Core Strategy which sets out the range of housing types required to meet needs and does not set a threshold.</p> | | <ul style="list-style-type: none"> i. The TRDC's original Strategic Market Assessment (2010) modified in the light of ii. Discussions with local estate agents during the development of the Neighbourhood Plan and iii. Parish Council's experience of reviewing all local planning applications since 2010 <p>Given the very small number of sites available for substantial development or redevelopment, the objective is to ensure that any major development addresses the needs of more than one sector of the community.</p> |
| 4 | Policy HO5 | <p>(original comment)</p> <p>The requirement that developments of 5 dwellings or more should have at least 2 dwelling types is not supported by any evidence that would outweigh that of the Local Plan evidence for Policy CP2 of the Core Strategy which sets out the range of housing types required to meet needs and does not set a threshold.</p> | This Policy should be deleted. | <p>Policy HO5 has already been modified to an Aim HO5 in line with the further comments from S Tapper (POSe Ltd).</p> <p><i>"All new housing and conversions of existing buildings should meet the dwelling sizes and room sizes contained in the "Technical Housing Standards, DLG, 2015"</i></p> <p><i>The Parish Council will support the inclusion of the national space standards in the Local Plan for new dwellings, the subdivision of existing buildings, and residential conversions."</i></p> <p>It does not include any requirement that: <i>"developments of 5 dwellings or more should have at least 2 dwelling types"</i></p> <p>AIM HO5: Dwelling sizes does not conflict with national policy as it is an aim (aspiration) rather</p> |

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| | | | | <p>than a land use planning policies which can be applied through development control. Therefore it complies with basic condition 2(a).</p> |
| 4a | Policy HO5 | <p>(revised comment) Policy wording was changed to say 'All proposed major development.' and added to policy HO1. Policy HO5 was deleted but added to Policy HO1. See comments on HO1.</p> | | See response on policy HO1 (above) |
| 5 | AIM PRO7 (Former Durrants School Playing Field) | <p>(original comment) The table (LC1) includes land referred to a 'Former Durrants School Playing Fields'. This is a piece of land owned by Hertfordshire County Council adjacent to a primary school. It is not used as a playing field (but the Ordnance Survey map denotes it as a playing field) it is not nor has it ever been open to the public and therefore has no community or leisure value. The reason for the inclusion of this piece of land is simply to protect it from any form of development. Essentially it is a piece of green belt land between the urban area and the recently allocated housing site at Killingdown Farm. In AIM PRO7 (Former Durrants School Playing Field) they imply that</p> | | <p>Reference to 'former Durrants School Playing Fields' has been removed from Table LC1. CGPC remains of the view that the site has potential for use for sporting, recreation and leisure activities whilst retaining its current designation within the Green Belt. Therefore AIM PRO7 remains as a stated aspiration of the Council.</p> |

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| | | <p>the development proposed at Killingdown Farm will require this land for open space. This is not the case as open space will be required on site in accordance with Policy DM11 of the Development Management Policies LDD.</p> | | |
| 6 | <p>Policy PRO2 (Proposed Croxley Danes School Site)</p> | <p>(original comment) This site has been allocated through our Site Allocations LDD for education purposes (and safeguarded as such) to provide secondary education with onsite playing fields. This policy contradicts that of the Local Plan and would put at risk the delivery of a much needed secondary school in the area. With regards to a development brief for the site – the delivery of secondary education facilities is done through the Education Funding Authority who commission companies to design the schools to their particular requirements. The Council have already advised the EFA on what we require as part of a planning application to inform their final designs. The EFA are currently in the</p> | <p>This policy should be deleted.</p> | <p>Policy PRO2 had already been modified to respond to the comments from Hertfordshire County Council and the EFA received in February 2017. CGPC accepts that the site has been allocated for education purposes but does not accept that the proposed policy PRO2 contradicts the Local Plan or that it would put at risk the delivery of a much needed secondary school in the area. CGPC accepts that the proposal that further consideration is given to identifying land suitable for additional detached playing fields is controversial and suggests this requirement might be deleted from the policy. CGPC remains of the view that the northwest portion of the site designated for playing fields is an important element in the local landscape. The use of this land for playing fields is acceptable provided the development is carried out in a sensitive manner that respects the present landscape. CGPC remains of the view that this portion of</p> |

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| | | <p>competition stage where 2 preferred contractors compete for the building of the school. A full planning application is due by mid- September 2017. The first intake of students is due September 2018.</p> <p>This policy fails condition e)</p> | | <p>the site should remain within the Green Belt and be designated as open space.</p> <p>CGPC has not been kept informed of what TRDC requires from the EFA and their design contractors as part of the planning application to inform the final designs.</p> <p>CGPC believes that the bulleted items in PRO2 are all reasonable requirements for a major development within the parish and that they should not be onerous for a responsible developer.</p> |
| 6a | <p>Policy PRO2 (Proposed Croxley Danes School Site)</p> | <p>(revised comment) Policy fails Condition e).</p> | | <p>As TRDC's specific requirements for this site are not part of the approved Local Plan (beyond those stated in the Site Allocations LLD) CGPC believe that this policy conforms to the requirements of basic condition 2(e).</p> <p><i>"(e) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)"</i></p> |
| 7 | <p>Policy PRO3 (Croxley Station)</p> | <p>(original comment) This policy seeks to change the allocation as set out in the Local Plan to include the provision of community and retail facilities. The allocated land is currently a car park and timber yard.</p> <p>The indicative housing capacity of 25 dwellings in the Site Allocations LDD was considered to be reasonable</p> | | <p>Whilst the objective states: <i>"Ensure that the "mixed use" redevelopment of the site includes more than just the TRDC Housing Allocation of twenty five dwellings and retail and that other uses including community facilities and commercial premises are incorporated to contribute to the sustainability objectives."</i></p> <p>The policy is limited to requiring a planning</p> |

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| | | <p>given the sites capacity and the requirement to retain the car parking spaces for the station.</p> <p>However, this is an indicative figure and any applications for higher numbers of housing would be considered on its own merits. So too would applications which included retail and/or community uses as well as housing.</p> <p>In principal we have no objection to the site delivering more dwellings and commercial and community uses; However, a policy requiring the provision commercial and community uses on this site without consideration of viability or evidence to suggest that there is the need for such facilities in this area, could affect the deliverability of the allocated housing site.</p> <p>In addition, I have concerns that any such application would meet the criteria set out in the proposed Policy CA1 and Appendix B.</p> | | <p>brief:</p> <p><i>“The proposed development should be the subject of a detailed planning brief devised by TRDC in association with the Parish Council to ensure that the major mixed use redevelopment at the heart of the Parish, which includes the approved Housing Allocation, will also include community and commercial uses which complement or enhance existing facilities in the Parish.”</i></p> <p>As this is the second largest development opportunity within Croxley Green and very close to a transport hub the CGPC consider it would be desirable for TRDC to produce a development brief for this site.</p> <p>Particularly reflecting the ambitions set out in TRDC Local Plan Core Strategy Policy CP1 Overarching Policy on Sustainable Development (c) and (j).</p> <p>Considerations of economic viability and evidence of need should form part of the development of the specific planning brief, as well as the other policies within the Neighbourhood Plan and the adopted Local Plan.</p> <p>CGPC suggest the policy might be softened by removing the words “major mixed use”</p> |
| 8 | Step free access at Croxley station | <p>(original comment)</p> <p>At paragraph 6.3.3 they talk about step free access – although not</p> | | <p>The aspiration for step free access is widely supported in the Parish and not directly linked to TfL’s existing programme – although TfL are</p> |

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| | | <p>explained in the text this relates to the Transport for London’s Step Free Access programme for stations.</p> <p>The Parish have been in lengthy consultations with Transport for London trying to get step free access to the station, but it cannot be a requirement for development proposals on this site to provide it (it would not meet S106 criteria) and should not be part of any development brief.</p> | | <p>considering Croxley station in the development of their current programme.</p> <p>If step free access cannot be provided before development of the site, it could be part of any redevelopment of the site, which will also have to include extensive provision for car parking.</p> |
| 9 | Policy PRO4 (Killingdown Farm) | <p>(original comment)</p> <p>This policy relates to the allocated housing site at Killingdown Farm. This site is one of the main housing allocations in the Local Plan.</p> <p>The policy seeks to add further requirements /restrictions to the existing allocation in the Local Plan with the inclusion of a restriction to the use of Little Green Lane as a possible vehicular access to the site.</p> <p>The policy as worded is contrary to the Local Plan but this can easily be remedied with the reference to Little Green Lane being deleted from the policy.</p> <p>The requirement that development proposals should meet the full quota</p> | <p>The requirement of a full quota of affordable housing should be removed or policy re-worded to include ‘subject to viability’.</p> <p>Reference to Little Green Lane should be removed.</p> | <p>The policy on affordable housing had been revised in response to the further comments from Steven Tapper (POSe Ltd) and now reads:</p> <ul style="list-style-type: none"> • <i>“includes affordable housing to meet TRDC policy all incorporating sustainable features”</i> <p>As this is the single largest development opportunity within Croxley Green the CGPC consider it would be desirable for TRDC to produce a development brief for this site.</p> <p>CGPC believe that this policy conforms to the requirements of the basic conditions.</p> |

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| | | <p>of affordable housing is too restrictive. The provision of affordable housing is subject to viability so the wording needs to be changed here as well.</p> <p>The policy mentions ‘sustainable objectives’ and ‘sustainable features’ but there is no clarification as to what is meant by this. I’m assuming that they are referring to the requirements of Policy HO2 and HO6, and if so, should also be removed from the policy. (See comments above).</p> <p>Again, we are not intending on producing a development brief at this time.</p> | | |
| 9a | Policy PRO4 (Killingdown Farm) | <p>(revised comment)</p> <p>Reference to Little Green Lane should be removed.</p> | | <p>The reference to Little Green Lane states:</p> <ul style="list-style-type: none"> • <i>“provides vehicular access without damaging the character of the Conservation Area and Little Green Lane”</i> <p>As Little Green Lane is part of the Green and within the Conservation Area, and alternative access to the site can be arranged from within the developed area of Croxley Green, it is reasonable to try to minimise the impact of providing vehicular access, without imposing unnecessary restrictions.</p> |

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| 9b | Policy PRO4 (Killingdown Farm) | (revised comment) Policy wording regarding amount of affordable housing has been changed to address concerns. | | Noted and agreed |
| 9c | Policy PRO4 (Killingdown Farm) | (revised comment) The reference to ‘sustainable features’ remains and is unclear as to what that means. | | CGPC suggests that this might usefully be clarified by referring to <ul style="list-style-type: none"> <li data-bbox="1518 501 2051 596">i. TRDC Local Plan Core Strategy Policy CP1 Overarching Policy on Sustainable Development and <li data-bbox="1518 608 2051 703">ii. adopted Development Management Policy DM4 – Carbon Dioxide Emissions and On-Site Renewable Energy <li data-bbox="1518 715 2051 884">iii. Hertfordshire County Council’s Sustainability & Biodiversity, Building Futures – a Hertfordshire guide to promoting sustainability in development. |

Proposed Croxley Danes School Site

CGPC response to public comments on the consultation

A number of those consulted by TRDC during their public consultation have commented on the proposed Policy PRO2.

In particular:

1. Danes Educational Trust (comment numbered 4)
2. Education Funding Agency (comment numbered 47)
3. Hertfordshire County Council Property (comment numbered 50)
4. Fifty eight residents, mostly declaring themselves as parents of prospective pupils, apparently inspired by the Danes Educational Trust (comments numbered 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 43, 44, 46, 48, 51, 52, 53, 55, 56, 57, 58, 59, 60, 61, 63, 64, 65, 67, 69, 71, 72, 75 & 76)

In response to these comments, Croxley Green Parish Council would like to make it clear that the Council is ambitious for the new Croxley Danes School to be a success and is not seeking to prevent the proposed development in any way. Contrary to the comments expressed by many respondents, the proposed policy PRO2 is not intended to frustrate the sustainable development of the school. However the Council does not want any part of the land to be sold in future for building and does want the school to be a beneficial asset for all in Croxley Green, prospective and future pupils, their families, and all other residents.

As the Plan makes clear the objectives of the proposed policy PRO2 are to ensure that:

- the proposed school site is developed strictly in accordance with TRDC`s sustainability goals
- the built area of the school is confined to the smallest possible area of former Green Belt land
- no further incursions into Green Belt on this site are made within this Plan
- all trees now protected by TPOs are retained
- the school facilities are only used for educational and recreational purposes and are available for wider community use
- effective traffic management measures are put in place to ensure safety for all road users and particularly pedestrians and cyclists, both users of the school and the general public
- there are effective parking controls to preserve parking spaces for the local shops and businesses during and after the development

To achieve these objectives and ensure that the new Croxley Danes School integrates with the landscape and character of Croxley Green the proposed policy PRO2 states:

The proposals for the school site should be the subject of a planning brief devised by TRDC and subject to the most rigorous scrutiny by TRDC in association with the Parish Council and local residents to ensure that:

- *The landscape value of the site is safeguarded*

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- *The archaeology of the site is thoroughly investigated*
 - *Trees covered by the TPOs are retained and additional planting incorporated*
 - *The school facilities are available for out of hours use by the public*
 - *The issues of access, parking and road safety are adequately resolved*

And further consideration is given to:

- *Safeguarding the northwest portion of the site designated for playing fields as open space*
- *Identifying land suitable for additional detached playing fields*

The question of a planning brief is a matter for TRDC. The Parish Council has not been kept informed of what TRDC requires from the EFA and their design contractors as part of the planning application to inform the final designs.

The Parish Council believes that the bulleted items in PRO2 are all reasonable requirements for a major development within the Parish and that they should not be onerous for a responsible developer.

In particular the landscape value of the site should be safeguarded. The Parish Council remains of the view that the northwest portion of the site designated for playing fields is an important element in the local landscape. The use of this land for playing fields is acceptable provided the development is carried out in a sensitive manner that respects the present landscape.

However the Parish Council accepts that the parents of prospective pupils and the Trust have expressed concerns about providing detached playing fields. It believes that the area of the site to be re-profiled for playing fields may prove inadequate for the number of pupils in future, particularly if the school is successful in attracting larger numbers of pupils. Therefore it believes that it would be prudent to identify land suitable for additional detached playing fields in future.

The archaeology of the site, signposted by Hertfordshire County Council should be thoroughly investigated as part of the development and could become a useful teaching resource for the school in terms of the local historical environment. This is supported by the comments from Historic England.

The trees on the site are an important part of the landscape and visible from a wider area of Croxley Green. The design contractors working on behalf of the EFA and the Trust should be encouraged to keep as many of the trees as possible and to include additional planting to complement and enhance the existing stock.

The Parish Council welcomes the Trust's willingness to negotiate wider use of the school's facilities as part of the community.

Access to the school will be a particular concern, especially as the proposed Metropolitan Line Extension (MLX) is currently on hold. Local residents expressed concerns at the previous consultation stage about the impact of additional car journeys by staff and pupils on the congested road network in the vicinity and on the demand for parking at the bottom of Baldwins Lane. Hertfordshire County Council suggest adding a bullet point on Travel Plans

to Aim TP1 and this could be an important element in resolving the issues of access, parking and road safety for the ultimate benefit of pupils, staff and all local residents.

Contrary to the comments from at least one resident, and of the ultimate landowner, TfL Property, the objective of safeguarding the northwest portion of the site as open space is to prevent its development either as housing or by gradually expanding the school buildings to cover the whole site. The Parish Council accepts that further development for educational purposes may be required in the future, but believes the land should be protected for at least the foreseeable future.