

Intelligent Plans and Examinations (IPE) Ltd.,  
29 Monmouth Street,  
Bath BA1 2DL

December 12<sup>th</sup> 2020.

Attn: Mr Patrick Whitehead.

**Re: Hankelow Neighbourhood Plan Examination, Examiner's questions, dated November 30<sup>th</sup> 2020.**

Dear Mr Whitehead,

Thank you for your questions in your letter of November 30<sup>th</sup> and the opportunity to add clarification. Our comments, which have been discussed with Cheshire East and Cheshire Community Action, are provided below:-

**1. Question 1: NE 3.**

*Policy NE3: If the reference to new development in the first sentence is to new housing developments, there appears to be significant overlap with the requirements of Policy TC3. The second part of the Policy relates to agricultural development, and the requirements of the 2018 Regulations. However, most farming operations do not require planning permission or are covered by permitted development rules. It is not within the power of the planning system to administer the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 and the Protection of Water Against Agricultural Nitrate Pollution (England and Wales) Regulations 1996. The Agency referred to in those regulations is the Environment Agency. It follows that the second paragraph of Policy NE3 cannot form part of a land use planning policy. Would the Parish Council wish to comment?*

We agree that there appears to be an overlap with TC3. The intention of policy NE3 was to limit pollution caused by new agricultural development rather than domestic dwellings. We suggest that the policy be amended to read:-

‘New agricultural development that requires planning permission should not lead to the pollution of groundwater, watercourses or ponds in the Parish.’

However, we remain concerned that new agricultural development may increase the levels of phosphate and nitrate pollution in ground and river water. Whilst accepting that the powers of the planning system are limited in this respect, we would appreciate any guidance on whether this could be addressed in the Neighbourhood Plan.

**2. Question 2: NE 4.**

*Policy NE4 provides for control over outdoor lighting sources “in all cases”. This could be interpreted to include domestic installations such as forecourt or entrance lighting, normally falling within permitted development rights. Is this the Parish Council’s intention?*

We agree that the policy could be interpreted to include lighting that would normally fall within permitted development rights – that was not our intention. We suggest amending policy NE 4 to read:-

'Dark skies are to be preferred over street lights in Hankelow. Any future lighting systems in Hankelow should complement the design of any development which in turn should be in keeping with the village character.'

'Outdoor lighting sources as part of new developments should be well located, kept to the minimum required for safety and security, have a minimum impact on the environment, minimise light pollution and minimise adverse effects on wildlife. Where possible, individual short-period timer controls and/or movement sensors should be installed for outdoor light sources to ensure they do not remain illuminated any longer than necessary, and lighting should use low energy technology.'

'Where applicable lighting shall comply with BS5489-1:2013 (or its successor).'

We also note that Cheshire East have addressed the same issue in paragraph 13.134 of the Cheshire East Local Plan Strategy.

### **3. Question 3: Outside space.**

*Policy DC1, criterion (g) requires all dwellings capable of being inhabited by families to have private outdoor garden amenity space. Is it the Parish Council's intention that this criterion should also apply to flats and apartments with two or more bedrooms?*

Yes, it was our intention that all dwellings should have outdoor garden amenity space, although we did not consider new upstairs flats and apartments as likely to be brought forward in Hankelow. We would prefer to keep this provision, but accept that outdoor space for upstairs flats and apartments may be communal within the bounds of the development. We would suggest amending Policy DC1 (g) to read:-

'All new houses capable of being inhabited by families should provide sufficient private or communal outdoor garden amenity space to meet household recreational needs. These should be in scale with the dwelling, reflect the character of the area and be appropriate in relation to topography and privacy.'

'At first floor and above flats and apartments should include sufficient balcony space; and all flats or apartments should have access to private garden/outdoor space, which may be shared space within the development. Provision of private outdoor space must not harm the amenity of nearby residents.'

### **4. Question 4: SUDS**

*Has the Parish Council given consideration to including a requirement for new developments to incorporate Sustainable Drainage Systems (SUDS), either as a requirement of Policy TC3, or as an additional criterion in Policy DC1?*

The Parish Council would welcome a requirement for new developments to incorporate SUDS, and sustainable drainage is mentioned in policy TC3. We are happy for it to also be included in DC1 if thought appropriate, as (i):-

'(i) Development should, where appropriate, incorporate Sustainable Drainage Systems (SuDS) which avoids all non-permeable surfaces, or delivers a water management system which minimises surface water run-off and ensure that all surface water is addressed within the site boundary. Every option should be investigated before discharging surface water into a public sewerage network, in line with the surface water hierarchy.'

A new appendix 9 could be added, highlighting the surface water hierarchy, as follows:-

‘Appendix 9 – Surface Water Hierarchy

‘See Policy DC1 point (i):

‘Surface water should be discharged in the following order of priority:

1. An adequate soakaway or some other form of infiltration system.
2. An attenuated discharge to surface water body.
3. An attenuated discharge to public surface water sewer, highway drain or another drainage system.
4. An attenuated discharge to public combined sewer.

‘Applicants wishing to discharge to public sewer will need to submit clear evidence demonstrating why alternative options are not available as part of the determination of their application.’

**5. Question 5, figure H:-**

*Figure H indicates the area to be designated Local Green Space. Can the Parish Council clarify the status of the triangle of land known as “Greenbank”? This appears to be a private house and the designation appears to include it within the LGS, but it is excluded from the cross hatching. Is the triangle intended to be part of the LGS designation?*

The triangle on the map, which was supplied by Cheshire East planning department, is not intended to be part of the LGS designation; it is a private house as you point out and we apologise for the error. We will replace this with an updated map (please see attached).

**6. Question 6, The White Lion enabling development:-**

*Can the Parish Council provide further clarification regarding enabling development to support the establishment of the White Lion Public House as a community hub? During my visit, I saw that a great deal of work is underway on the refurbishment. Could details of the planning permission be provided please?*

a) The site to the south of the White Lion has already been sold to a local company which restores classic cars in the neighbouring parish of Buerton. They have obtained outline permission to build a showroom/sales office on the land under planning application 19/2099N.

b) The planning permissions concerning the White Lion are 19/2029N (full planning) and 20/4123N (variation of condition).

We have been advised that using the term “enabling development” could cause confusion as the White Lion is not a listed heritage asset. Perhaps the policy CF 2 should say “appropriate additional development” or “appropriate facilitating development”. We note the policy refers to Figure H in error – it should be figure I.

**7. Question 7, the housing allocations:-**

*Can the Parish Council offer comment on an apparent conflict between the provisions of Policy H1 which allocates two sites for new housing, with a total of only 6 new dwellings (giving an average*

*plot size of nearly quarter of an acre), and the requirement of Policy H3, that “new homes, including those on the allocated sites, should be properties of three bedrooms or less”?*

The numbers of dwellings on the allocated sites are those which were proposed by the landowners in their response to the call for sites. We took the view that we should use their proposed numbers in the plan, in the expectation that any planning applications on made by the landowners would take into account the Cheshire East policies on efficient land use and housing density - hence Policy H1 does not mention any housing numbers.

We would also comment that the average housing density within the infill boundary proposed in the draft SADPD appears to be about ten dwellings per hectare. The Lodge Farm development has a density of about 20 per hectare, and this is considered to be atypical for the village. The low density proposed on the allocated sites will help to maintain the existing character of Hankelow, which has predominately lower density properties set within private gardens.

We wish to ensure that development at these sites is intended to bring forward a built form consistent with its immediate context in terms of density. The character of the proposals and their ability to integrate with the existing /adjacent build form is more important than the number of dwellings.

The smaller homes proposed on the allocations will also help to address advice given in the Housing Needs Advice Report that recommends that any local developments place particular emphasis on smaller, more affordable, market housing. This would help to balance the stock profile and provide more housing opportunities for younger residents including first time buyers, as well as older residents wishing to downsize.

## **8, Regarding the matters raised in the Regulation 16 consultation:-**

### **Comment NP12:**

We have considered these points and we believe they are adequately covered in the CELPS policies and HNP policies.

### **Comment NP13:**

The constabulary have included an attachment which refers to Cheshire East Borough Design Guide “Secured by Design”. We suggest that another paragraph could be added to DC 1:-

“New dwellings should, where possible, follow the guidance set out in the Cheshire East Borough Design Guide Vol. 2 Section ii24-ii36 on page 31 “Secured by Design”.

### **Comment NP15:**

We agree that “where appropriate” or “where possible” should be added to policy CF4.

### **Comment NP20:**

We agree that a reference to historic designed landscapes should be included and suggest the addition of a new paragraph 5.2.3.

‘There are two unregistered historic designed landscapes in the area; those associated with Hankelow Hall and Hankelow Court. While the gardens and parkland adjacent to the hall have been altered considerably in recent years, the wider designed landscape remains and contributes to the landscape character and setting of the village. The gardens and setting of

Hankelow Court remain largely intact, comprising a modest parkland and gardens of 19th century origin with some mature specimen trees.'

Landscape character is described in the Cheshire Wildlife Trust Report which is part of the supporting documentation, however the report was written in 2017 before the Cheshire East Landscape Character Assessment (LUC 2018).

**Comment NP23:**

a) Regarding the issue of conflict of interest raised by Mr. Thelwell, the Parish Council believed it behaved lawfully in granting dispensations under S.33 of the localism act in respect of the White Lion Community Pub, Ltd.. Such dispensations were resolved in the meetings of 5<sup>th</sup> November 2018 and 7<sup>th</sup> May 2019 for councillors who were shareholders in the company.

The White Lion Community Pub, Ltd., was formed to enable the purchase of the pub for the community, to prevent its demolition and to restore an important social facility for the village. The rescue of the pub was strongly supported by many residents over the period from its closure to its rescue, and the shareholders are all locals or people with strong links to the village, who are risking their own money to save the pub for the village. The Neighbourhood Plan supports the use of the White Lion as a community hub where residents can drop in and meet each other, in order to combat isolation and loneliness, and to promote social cohesion. This policy is supported by both the Parish Council and by the shareholders of the White Lion Community Pub, Ltd..

b) Regarding the second village consultation, the questionnaire was intended to establish the wishes of residents concerning a village social hub when the White Lion appeared to be lost and was thus not an option. One option was to build a new community building, for which some land would be required. In response to the call for sites, two landowners offered land to build a new community building in return for being permitted to build homes on their land, and the Methodist Church offered an option for the village to purchase the chapel and the community hall building on a lease back arrangement. This latter offer was misunderstood by a minority as meaning the chapel was being placed on the open market, which was not correct. A well-attended open meeting took place during the consultation period in which this point was clarified by Mr. R. Millns, Property Steward of the Methodist Church Council. The meeting was not attended by Mr. Thelwell or Mr. Hand, Mr. Thelwell's representative at the time.

Mr. Hand had received an advance copy of the questionnaire before the consultation, but did not question the wording until after the consultation period was over. The position of the Methodist Church was explained to him in an email dated 27th April 2018, and detailed results were sent to him on May 2nd 2018. No one else requested further information on the results of the questionnaire.

**8. Additional comments**

Additionally, we received a further response from the Methodist Church which we would like to bring to your attention (copy attached). We believe that many of the comments are addressed in paragraphs 12.19 -12.23, and Policy CF3. However, we would suggest that the following amendments:-

To policy CF 2:-

'The White Lion Public House is allocated as a community pub, which will complement the Methodist Chapel Community Hall as a meeting place for residents of Hankelow Parish and the surrounding area. Appropriate additional development may be permitted on the site in

line with Cheshire East Local Plan policies and Neighbourhood Plan policies (see Figure I) to ensure the successful viability of the project.'

'12.8. Hankelow may not currently be classed as sustainable, since the former community infrastructure was considerably weakened following the closure of the pub and the golf course in 2017. Whilst there is the Methodist Chapel Community Hall, there are no longer other locations for local residents to meet informally, such as a village community hub, pub or shop. To support the vision, community infrastructure and assets will need to be improved.'

'12.14. When asked if the Methodist Church and Hall provided an adequate facility the opinion was evenly matched with 48% being of the opinion that it does, while 46% were of the opinion that a new facility is required. A key point taken from the questionnaire and community meetings was that the White Lion development and the Chapel community facilities complement each other and are both supported by the community.'

'12.21. The premises, which has ACV (Asset of Community Value) status, now includes an adjoining community room which was upgraded with a fully-equipped kitchen for self-catering, and disabled toilet facilities. The whole of the building is now an accessible and sustainable flexible space for community use, with a capacity for up to 100 people. The building occupies a very accessible location and has adequate parking for its meeting room capacity. It also serves as the venue for four different Parish Councils to hold their meetings and a polling station for Hankelow and three other parishes.'

We hope that this has addressed the issues raised in your letter. If you require any further information, please do not hesitate to contact us further.

Yours sincerely,

*John Durrant,*

Chair, Hankelow Neighbourhood Plan Steering Group.

c.c. Tom Evans, Cheshire East; Paula Cottrell, Hankelow Parish Council clerk.

Two attachments:-

- Response from Methodist Church.
- Revised LGS map.

## **Attachment 1, response from Methodist Church.**

Email from Roger Millns, Property Steward of the Methodist Church Council.

*Hello John - thanks for this update and the opportunity to comment..*

*The Methodist Church considers that the present, revised plan still doesn't fully represent what the Chapel provides as a community facility and also doesn't adequately reflect the information we provided in our previous submission.*

*The plan still reads as though the Chapel is an afterthought compared to the White Lion development i.e.. 'other than the Methodist Chapel..'. This needs rewording to reflect a more positive recognition of what the Chapel provides as a modern, accessible Community Hall.*

*The key point which came out of the community questionnaire and in various meetings was that the White Lion development and the Chapel as community facilities complement each other - both had equal support from the community within the questionnaire. This should be stated clearly in the Neighbourhood Plan as it was the outcome of the consultation process.*

*Also, the 2016/17 Project at the Chapel was a major refurbishment at a cost of over £100,000 which was fully supported by the local community including fundraising. The Project included a new heating system and other energy saving measures to make the whole building sustainable into the future as a community asset - not just the community hall part of the building. This should be properly stated in the plan. We would therefore appreciate a fuller description within the Plan of what the Chapel Refurbishment Project achieved as per our earlier submission and these additional comments. This needs to include that the Community Hall is now used by four local parish councils for their meetings. This is an essential provision as Parish Councils cannot meet in pubs.*

*To confirm once again, the Chapel supports the designation of the White Lion as a community hub for the reasons stated in the plan.*

*Final point - having an alcohol licence is not an essential prerequisite for being designated as a community hub - whilst it may be desirable for some people. The plan reads as though the designation of the chapel as a community hub was ruled out at the start because we can't have an alcohol license. Please could that part of the plan be reworded or taken out.*

*Hope this is helpful.*

*Regards*

*Roger*

**Attachment 2: revised LGS map.**

