

Horninglow & Eton Neighbourhood Plan 2013-31



PROPOSED CHANGES TO PARKING POLICY HE5

BASIC CONDITIONS STATEMENT

April 2019



Horninglow & Eton
Parish Council

Horninglow & Eton Neighbourhood Plan 2013-31

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1. INTRODUCTION – PRESCRIBED CONDITIONS AND MATTERS

The Evidence and Consultation Statement submitted with this Basic Conditions Statement describes the background and reasoning to this proposed change to Policy HE5. The following statements are required by the Regulations and are for clarification only.

PLANNING PRACTICE GUIDANCE – NEIGHBOURHOOD PLANS – PARAGRAPH 085

Following advice from East Staffordshire Borough Council, the Parish Council agrees that the changes to Policy HE5 constitute updates (modifications) that do materially affect the policies in the Plan.

However, the Parish Council does not believe that the modifications to the Plan are so significant or substantial as to change the nature of the Plan, because parking standards for the Parish was one of the topics addressed in the original, made Neighbourhood Plan.

As a result, the Parish Council; does not believe that a Referendum is required once the Examination has taken place.

Prescribed Conditions and Matters (Schedule 9, Localism Act 2011)

The Submission Revised Policy HE5 is being Submitted by a qualifying body

This Submission Revised Policy HE5 is being submitted by a qualifying body, namely Horninglow and Eton Parish Council.

What is being proposed is a revision to a Neighbourhood Development Plan

The Revised Policy proposal relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

The proposed Neighbourhood Plan revision states the period for which it is to have effect

The Revised Policy proposal is to have effect for the same period as the rest of the Neighbourhood Plan, that is 2013-2031.

The Revised Policy proposal does not relate to excluded development

The Revised Policy proposal does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

The Revised Policy proposal does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.

The Revised Policy proposal relates to the Horninglow and Eton Neighbourhood area and to no other area. There are no other neighbourhood plans relating to that neighbourhood area.

2. THE SUBMISSION REVISED POLICY HE5

All new developments, including extensions that create additional bedspaces, and changes of use and large Houses in Multiple Occupation (sui generis) in Horninglow and Eton parish must provide off street parking provision in accordance with the following schedule:

- *A minimum of 2 parking spaces where 1 or 2 bedspaces are created;*
- *Provision of 1 additional parking space per additional bed space for each residential unit*
- *For one bedroomed affordable housing a parking standard of 1.5 parking spaces per dwelling shall apply*

These parking standards will not apply to residential care homes and similar facilities such as supported accommodation. However, such developments will be required to provide adequate car parking spaces for visitors and staff as well as sufficient provision for residents as appropriate.

A lower provision than that set out above will only be acceptable if it can be demonstrated satisfactorily to the planning authority that any on-street parking likely to occur as a result of the development will not create, or exacerbate, on-street parking problems for local residents or businesses, or prejudice highway (including pedestrian) safety through increasing the likelihood of dangerous parking.

ADD TO SUPPORTING TEXT:

For information, Houses in Multiple Occupation (HMOs) with between 3 and 6 persons are in Use Class C4. Changes to the General Permitted Development Order introduced in 2015 mean that a change of use from C3 (dwellings) to C4 (and vice versa) do not require planning permission (unless 2 or more separate dwelling houses are created where there was only 1 before). HMOs with 7 or more persons, however, remain “sui generis” - in a class of their own – and all changes to that use require planning permission.

3. THE BASIC CONDITIONS

The Basic Conditions that the Revised Policy must meet are set out in Schedule 4B, Section 8(2) of the Town & Country Planning Act 1990 as inserted by the Localism Act 2011. They are:

- (a) that it is appropriate to “make” the Revision having regard to national policies and advice contained in guidance issued by the secretary of State (i.e National Planning Policy Framework and Planning Practice Guidance - NPPF and PPG);
- (b) that it is appropriate to “make” the Revision having special regard to the desirability of preserving any listed building or its setting or any feature of special architectural or historic interest that it possesses *if the Revision grants permission for any development that affects the building or setting*. [NOT APPLICABLE – the Revised Policy does not propose the granting of permission to any specific building];
- (c) that it is appropriate to “make” the Revision having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area *if the Revision grants permission for any development in relation to land or buildings in the conservation area*. [NOT APPLICABLE – the Revised Policy does not propose the granting of permission to any specific building or site];
- (d) the Revision contributes to sustainable development;
- (e) the Revision is in general conformity with the strategic policies in the development plan for the area of the authority (ESBC’s Strategic Policies within the Local Plan 2012-2031);

(f) the Revision does not breach, and is otherwise compatible with, EU obligations;
and

(g) The Revision meets the prescribed conditions, and the prescribed matters have been complied with (see section 1 above)

Each of the above Basic Conditions that are applicable are dealt with individually below.

(a) Relevant National Policies and Guidance

Relevant NPPF Policies	Compliance of Revised Policy HE5
<p>102. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that: ...d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account - including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.</p>	<p>The Revised Policy puts forward provisions for mitigating the adverse effects of housing developments and some changes of use, where these are possible within the permitted development regulations. The net effect will yield environmental benefits, contributing to high(er) quality streets, as well as safer ones.</p>
<p>105. If setting local parking standards for residential and non-residential development, policies should take into account: a) the accessibility of the development; b) the type, mix and use of development; c) the availability of and opportunities for public transport; d) local car ownership levels; and e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.</p>	<p>The parking standards in the Revised Policy (which are minima) require more spaces per residential development than the ESBC standards because they take into account the local level of car ownership. Car ownership is historically higher than the size of dwellings in many streets would suggest, and are likely to become higher still. The type of housing in some streets is a mix of family house, homes divided into flats and Houses in Multiple Occupation. Each tends to have different car ownership characteristics, with the latter two types of property often being occupied by several people owning vehicles, even though the premises may only be relatively small and have no off-street parking associated with them. Some streets in the Parish are not conveniently located for public transport access. Future provision of plug-in charging will be difficult to establish on-street, and further points to limiting the number of vehicles parked there. Even with communal off-street parking for apartment developments, the need to provide space for, and access for all vehicles to, charging equipment will require more space for each vehicle to park.</p>

Relevant PPG Guidance	Compliance of Revised Policy HE5
<p>DESIGN Para 008 – <i>Planning should promote safe, connected and efficient streets</i> Streets should be designed to support safe behaviours, efficient interchange between travel modes and the smooth and efficient flow of traffic. The transport user hierarchy should be applied in all aspects of street design – consider the needs of the most vulnerable users first: pedestrians, the cyclists, then public transport users, specialist vehicles like ambulances, and finally other motor vehicles.</p> <p>Para 012 - <i>Planning should encourage access and inclusion</i> Inclusive design should not only be specific to the building, but also include the setting of the building in wider built environment, for example, the location of the building on the plot; the gradient of the plot; the relationship of adjoining buildings; and the transport infrastructure. Issues to consider include... - Parking spaces and setting down points in proximity to entrances...</p> <p>Para 022 - <i>A well designed space promotes ease of movement</i> The ability to move safely, conveniently and efficiently to and within a place will have a great influence on how successful it is. The experience for all users, whatever their mobility or mode of transport, is important...</p>	<p>The Revised Policy provisions aim to prevent the inevitable worsening of the situation in some streets in the Parish whereby inconsiderate parking and parking and manoeuvring on the pavement create an unsafe and inconvenient environment for pedestrians and ease of movement is restricted. Emergency vehicles, refuse collection vehicles and other essential service vehicles cannot pass when there are badly parked vehicles on-street. The massive growth of home delivery services exacerbates the problem – both for these vehicles to pass down streets and also to stop to make a delivery.</p>

(d) Contribution to Sustainable Development

NPPF Sustainability Objectives	Compliance of Revised Policy HE5
<p>Para 8 - Achieving sustainable development means that the planning system has three overarching objectives...</p> <p>a) an economic objective – to help build a strong, responsive and competitive economy...</p> <p>b) a social objective - to support strong, vibrant and healthy communities...by fostering a well-designed and safe built environment...</p> <p>c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land...</p>	<p>The Revised Policy is neutral on the economic objective, helps meet the social objective by fostering a safer built environment in the streets of the parish, and helps meet the environmental objective by protecting and enhancing the built environment of the streets.</p>

(e) Relevant Strategic Policies in East Staffordshire Local Plan

ESBC Strategic Policies	Compliance of Revised Policy HE5
<p>STRATEGIC POLICY 1 <i>East Staffordshire Approach to Sustainable Development</i></p> <p>In line with Principle 1, development proposals will be required to demonstrate the principles of sustainable development and will be assessed against the presumption in favour of sustainable development as interpreted and applied locally to East Staffordshire Borough Council. In assessing whether a development proposal or allocation is as sustainable as possible, the Council will apply the following principles depending on the type of application or development proposed:</p> <ul style="list-style-type: none"> • located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues... • designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping... 	<p>The Revised Policy aims to ensure that future applications, as far as possible within the permitted development regulations, do not harm residential amenity and do not cause highway safety issues in streets where there are already such problems, or where new development would certainly cause these problems to occur. In these streets the amenity of occupiers has already been harmed, or would be unless the stronger provisions of this Revised Policy are applied.</p>

(f) Compatibility with EU Obligations

Main EU Obligations	Compliance of Revised Policy HE5
Does the Revised Policy require a Strategic Environmental Assessment or a Habitats Regulations Assessment?	Screening Opinion for Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment was undertaken by ESBC. It was their opinion that neither Assessment would be required. (see Screening Report submitted with this Document and Evidence Base & Consultation Statement)
European Convention on Human Rights within the meaning of the Human Rights Act 1998 – Protection from Discrimination and Protection of Property.	<p>It is not considered that any group requiring protection from discrimination will be adversely affected by the Revised Policy. Residential parking problems particularly affect people with disabilities, and those with mobility difficulties (such as older people or parents with children). Badly parked vehicles also pose a safety threat to children. Whilst the Policy will not directly alleviate existing problems, it will help to ensure the problems are not exacerbated.</p> <p>No rights of development of property are being taken away by the Revised Policy. The Revised Policy proposes additional requirements, where development is being proposed, to safeguard the amenity of neighbouring residents and their right to peacefully enjoy their property.</p>

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