

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

DECISION STATEMENT: BIDDULPH NEIGHBOURHOOD DEVELOPMENT ORDER and BIDDULPH NEIGHBOURHOOD PLAN

Town and Country Planning Act 1990 Schedule 4B, Para 12 (11)

Date: 18 October 2023

At its meeting on the 8th August 2023, Staffordshire Moorlands District Council resolved that following the inclusion of the Examiner's recommended modifications (as reproduced in the Appendix 1 below) that the **Biddulph Neighbourhood Development Order (NDO) meets** the 'Basic Conditions' and can proceed to a referendum.

At its meeting on 18th October 2023, the Council resolved that following the inclusion of the Examiner's recommended modifications alongside the Council's further modifications (as reproduced in the Appendix 2 below) that the **Biddulph Neighbourhood Plan (NP) meets** the 'Basic Conditions' and can proceed to a referendum.

To meet the requirements of the Localism Act 2011 a referendum will be held in the area formally designated as the Biddulph Neighbourhood Area¹.

The referendum will pose two questions:

- "Do you want the type of development in the neighbourhood development order for Biddulph to have planning permission?"
- "Do you want Staffordshire Moorlands District Council to use the neighbourhood plan for Biddulph to help it decide planning applications in the neighbourhood area?"

If approved at referendum, Biddulph NDO and NP will both form part of the statutory development plan and will be used by SMDC, alongside the Staffordshire Moorlands Local Plan, for determining applications for development.

This Decision Statement, the Examiner's Report and a copy of the Neighbourhood Development Order and Neighbourhood Plan (as proposed to be amended) and other supporting documents that were subject to the examination can be viewed on the SMDC website and the office as set out below:

https://www.staffsmoorlands.gov.uk/article/6721/Biddulph---Notice-of-Submitted-Plan--Neighbourhood-Development-Order-Proposals

Biddulph Town Hall, High Street, Biddulph, ST8 6AR (during normal opening hours).

¹ Biddulph Neighbourhood Area as confirmed by SMDC on 16th February 2016, under paragraph 61F of the Town & Country Planning Act 1990

1. Background

Staffordshire Moorlands District Council accepted the application by Biddulph Town Council to be recognised as the 'appropriate body' under paragraph 61F of the Town & Country Planning Act 1990 on the 16th February 2016, and formally designated the Biddulph Neighbourhood Area.

The Pre-Submission NDO and NP both underwent consultation in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the Regulations') between 23rd September until 4th November 2019.

Subsequently, the draft NDO, NP and supporting documents were submitted by Biddulph Town Council to the District Council under Regulation 15(1) on 26th February 2021. Following consideration by SMDC, both documents were then formally published for comments (statutory "regulation 16") for a period of six weeks between 15th July and 27th August 2021.

Mr John Slater BA (Hons) DMS MRTPI was then appointed by SMDC with the consent of Biddulph Town Council to undertake the examination of the NDO and NP concurrently, and to prepare a report of the independent examination. The examination commenced on 12th October 2021 and was conducted through written representations. The Examiner's report was received on the 2nd February 2022. It concluded that the NDO and NP, subject to recommended modifications, meet the basic conditions set out in the legislation and other statutory requirements and should proceed to referendum.

The District Council did not agree with a small number of the Examiner's recommendations necessitating consultation on the modifications to the NP which differed from those recommended by the Examiner. Following this additional consultation, that took place between 16th August and 27th September 2023, those modifications were also accepted by the District Council for incorporation into the NP.

2. Decision and Reasons

The Regulations require that the Local Planning Authority (Staffordshire Moorlands DC) publishes how they intend to respond to the Examiner's recommendations.

On 8 August 2023, SMDC considered each of the recommendations made in the Examiner's Report in relation to the NDO and the reasons for them and decided to accept modifications to the draft NDO as set out in Appendix 1 of this Decision Statement. The modifications are necessary to ensure that the draft order meets the basic conditions and legal requirements.

On 8 August 2023, SMDC considered each of the recommendations made in the Examiner's Report in relation to the NP and the reasons for them and decided to accept most of the modifications to the draft NP as set out in Appendix 2 of this Decision Statement. However, it was agreed at that meeting that further statutory consultation would take place on a small number of modifications which differed from those recommended by the Examiner. Following a six-week consultation, on 18 October 2023 the Council considered responses received to the consultation and agreed to incorporate these further modifications into the NP (reflected in Appendix 2). The agreed modifications are necessary to ensure that the draft plan meets the basic conditions, legal requirements or to correct errors.

The submitted documents were each accompanied by a Strategic Environmental Assessment Screening Report, and a Habitats Regulations Assessment Screening Report. None of the modifications set out in the Appendix are considered to necessitate revisiting any of these assessments.

SMDC agrees that:

- 1) a formal decision statement is published detailing the response to the Examiner's recommendations within his report for the NDO and the NP;
- 2) following the inclusion of the Examiner's recommended modifications into the NDO (as set out in the Appendix 1) and the NP (as set out in Appendix 2), it is approved that both documents meet the Basic Conditions such that they can proceed to a referendum;
- 3) the referendum boundary is approved and will cover the designated Biddulph Neighbourhood Area only; and
- 4) SMDC conducts a referendum on the NDO and NP on the same date.

The date on which the referendum will take place is agreed as 7 December 2023.

Appendix 1 to Decision Statement

<u>Biddulph Neighbourhood Development Order</u> List of agreed modifications made to the submitted NDO.

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	Page No.	Proposed Modification
Recommended Modification 1	6	D. The design of the shopfront must meet the following design parameters: I. Stallriser A stallriser must be incorporated into the design for the full width of the shopfront, excluding the doorway, between the pilasters. The height of the stallriser must be between 350mm and 550mm as measured at the midpoint of each stallriser
Recommended Modification 2	6	II. Pilasters The shopfront must include pilasters at either side and these should project forward slightly by up to 100 mm for the main part of the pilaster and include a plinth (base) and capital detail.
Recommended modification 3	6	IV. Panelling Accessibility for All Any timber panelling used in doors, stallrisers, pilasters or other elements of the shopfront must comprise a constructional timber panel and must not comprise the application of timber beading to a flat timber surface. Any doors should have a minimum clear opening width of at least 800 mm. Recessed doors should have a minimum space depth of 300 mm. Access to the shop door shall be step free and if an access ramp is required it shall be no steeper than 1 in 20 and be provided within the shopfront.
Recommended modification 4	7	VI. Lighting If lighting is incorporated into the design of the shopfront, then it must comprise projecting lighting to create external illumination of the shop sign area, and not comprise internal lighting for a transparent shop sign.
Recommended modification 5	7	Conditions II. For development to be permitted by the order Part 2, the premises must be in commercial use, for uses falling within Use Class E or premises used as a public house, wine bar and other drinking establishments and hot food takeaways A1, A2, A3, A4, or A5 of the Town and Country Planning (Use Classes) Order 1987, as amended.
Recommended modification 6	7	III. The shopfront must meet the design parameters set out in the order Part 2.
Recommended modification 7	7 (Add a new limitation)	The Order does not grant planning permission for a replacement shopfront if it is to be accessed by a step, whether existing or proposed.

	Page No.	Proposed Modification
Recommended modification 8	8	Responsible Construction Responsible construction is encouraged, ensuring that installation works take place during normal daytime hours only.
Recommended modification 9	9 & 10	Amend the plans shown as "Shopfront Types and Details" by adding to the "Stall Riser Height" title the following in parenthesis "as measured at the midpoint of the stall riser"

Appendix 2 to Decision Statement

<u>Biddulph Neighbourhood Plan</u>
List of agreed modifications made to the submitted Neighbourhood Plan.

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	Policy / Section / Page no	Proposed Modification
Recommended Modification 1	Policy HCT1: Enterprise and Tourism Development P.57	HCT 1: BUSINESS, ENTERPRISE AND TOURISM DEVELOPMENT Within the rural area of the parish, Outside the settlement boundaries of Biddulph and Biddulph Moor, business, enterprise and tourism uses to diversify the rural economy will be supported subject to compliance with Green Belt policy and there being no significant adverse impact on the amenities of: - nearby residential properties; - the rural landscape; and - surrounding businesses and uses, including agriculture. INTERPRETATION This is an enabling policy that enables suitable business and enterprise in the rural area. Enterprise uses include craft-based manufacture, knowledge-based activities, digital or creative industries. Significant impacts could include noise, vibration,
Recommended Modification 2	Policy LE1: Biddulph Town Centre P.58	dust, and traffic movements. LE 1: BIDDULPH TOWN CENTRE Within the defined town centre, (as defined on the map of the Biddulph Town Centre) in addition to retail development, other uses will be supported where they support and enhance the town centre's vitality and viability. Where planning permission is required for the change of use of ground floor frontages to uses which are not open to the public, including residential use, any existing shopfront should be retained or provided. Within the defined town centre (see Appendix I, which is the same area as the emerging Local Plan), in addition to retail development, sustainable new uses to diversify the local offer will be encouraged. This includes: Business and enterprise space, including co-working space; Tourism-related uses; Cultural and entertainment uses such as performance venues; and Food and drink uses. Residential uses will be considered for upper floors. Ground floor units would not be suitable for residential uses. (remove from the map the text "The green line represents the area of the Neighbourhood Development Order" and also the

	Policy / Section / Page no	Proposed Modification
Recommended modification 3	Policy LE2: Albion Mill Conversion P.59	LE 2: ALBION MILL CONVERSION Within the defined area (see Appendix J) the following mixed uses will be supported: Within the defined area shown on the Map of Albion Mill Conversion, the following uses will be supported: Residential development; (above ground floor only); Business and enterprise space, including coworking space; Tourism-related uses; Cultural and entertainment uses such as performance venues; Limited tourism-related retail as part of a wider mix of uses.
		This is subject to there being no significant adverse impact on the amenities of nearby residential properties. INTERPRETATION This policy should be applied with policy DSB2 Biddulph Mills in the emerging local plan.
		This policy should be applied in conjunction with Policies SS6, E1, E4 and H1 of the Local Plan.
		(The map showing the location of Albion Mill should be located alongside the policy rather than in a separate appendix.)
Recommended modification 4	Policy CF2: Existing Community Facilities P.61	CF 2: EXISTING COMMUNITY FACILITIES Development proposals that affect enhance existing community facilities in the neighbourhood area will be supported, providing they do not have any significant adverse impact on the community value of the facility. These facilities are:
		 Biddulph Town Hall; Biddulph Healthcare Centre; Biddulph Methodist Church; Church Halls; Biddulph Youth and Community Zone; Knypersley Cricket Club and Sports Club; Biddulph Moor Village Hall; Biddulph Grange Country Park Visitor Centre; Biddulph Valley Leisure Centre; Lund House, Well Street;
		 Biddulph Library; Recreation Ground Changing Facilities; Wharf Road 'Mission'; Wharf Road bus hub; Lawton Street Air Training Corps facility; Bowling Club community spaces; Biddulph Fire Station; Sainsbury's Community Room. Appendix K shows the location of these facilities.
		Developments that involve the loss of existing community facilities will only be supported where replacement facilities

	Policy /	Proposed Modification
	Section / Page no	
		of the same or better quality are provided. An exception to
		this is if a similar quality or better facility is provided nearby.
		nearby.
		(Relocate "The Map of Existing Community Facilities" into the
		supporting text in this section of the plan and attach the name of each facility to the sites outlined in blue. Move the map in
		Appendix K to the main body of the text.)
Recommended modification 5	Policy NE1: Natural	NE 1: NATURAL ENVIRONMENT FEATURES
modification 5	Environment	New development should preserve and take opportunities
	Features P.63	to enhance the rural character of the area, taking account of
		the following features which have particular significance for landscape character, biodiversity and ecological interest:
		 Wildlife areas including designated Local Wildlife Sites (see Map – Nature Conservation Sites);
		 Wildlife corridors and networks, watercourses,
		ponds and lakes (see Map – Wildlife Corridors /
		 <u>Networks map);</u> <u>Priority habitats (see Map – Habitat Distinctiveness</u>
		<u>map);</u>
		 Other natural habitats (see Map – Habitat Map); Location of reported Protected Species (see Map –
		Protected species within Biddulph Parish);
		Veteran trees, mature trees and hedgerows;
		Former mineral extraction sites that have been fully worked and are becoming a natural habitat or have
		an ecological value or importance.
		New development must preserve or enhance and not harm
		or degrade the special rural character and ecological and
		environmental features of the area, including: - Wildlife areas including designated Local Wildlife Sites
		(see Map - Nature Conservation Sites);
		Wildlife corridors / networks, watercourses, ponds and lakes (see Map - Wildlife Corridors / Networks map);
		- Priority habitats (see Map - Habitat Distinctiveness map);
		Other natural habitats (see Map - Habitat Map); Location of reported Protected Species (see Map -
		Protected species within Biddulph Parish);
		Opportunities to enhance existing or create new habitat links as detailed within the Nature Recovery Network Map
		(see Map - Nature Recovery Network);
		• Veteran trees;
		Mature trees and hedgerows; Former mineral extraction sites that have been fully
		worked and are becoming a natural habitat or have an
		ecological value or importance. • Complement landscape character
		These maps are included within the introductory section
		and appendices. High resolution documents are available
		online and when applying the policy, reference should be made to these maps.
		•
		INTERPRETATION

	Policy / Section /	Proposed Modification
	Page no	The policy includes a general requirement to consider impacts on the natural environment and also highlights elements of the natural environment that are particularly sensitive.
		The policy should be applied with policy NE1 of the Staffordshire Moorlands Local Plan. Maps are included within the introductory section and appendices. High resolution documents are available online and when applying the policy, reference should be made to these maps.
		(Insert the appropriate maps into the main body of the plan rather than in Appendices.)
Recommended modification 6	Policy NE2: Urban Edge P.63	NE 2: URBAN EDGE New development on the edge of the Biddulph Town and rural settlements must incorporate sensitively designed boundary treatments and landscaping to create an appropriate transition to the rural environment.
		INTERPRETATION This policy requires sensitive boundary treatments to create a 'soft' transition, such as hedges and planting. Hard boundary treatments, such as concrete and timber close boarded fencing, would not be appropriate- unless adequately screened / softened by landscaping.
Recommended modification 7	Policy NE3: Local Green Space P.64	NE 3: LOCAL GREEN SPACE Local Green Spaces must remain as open space and their community value must be maintained or enhanced. Built development must not encroach onto Local Green Spaces. An exception to this may be for small-scale built development, subject to the following: • it is directly related to the community use and/or management of the space; • it does not compromise the open character of the space. The Neighbourhood Plan designates the following local green spaces:
		1. Humber Drive Community Space 2. The Clough 5. Biddulph Bowling Club 7. Well Street Allotment 10. Woodhouse Lane wooded area 14. Ringwork Castle 17. Eiger Close 18. Uplands Play Area 19.Geneva Way Green Space 20. Behind Oxhey Drive 21. Corner of the Uplands (southern part) 23 Knypersley Cricket Club 24. Knypersley Sports Ground 26. Knypersley Fishing Pool 27. Knypersley Fishing Pool 28. Green on Conwey Road

Policy / Section /	Proposed Modification
age no	
	30. Butterfly Garden
	31. Mill Hayes Grass Verge
	32. Greenway Bank
	33. Mill Hayes Fishing pool 34. Top Springfield Road
	35. Park Lane Allotments
	36. Moorland Road Allotments
	38. Shepherd Street/ Slater Street
	42.Green space Kingsfield Crescent
	43.Lawton Crescent
	44. Land opposite Lawson Crescent 45. Hawthorn Grove Play Area
	46. Queens Drive Green
	48. Highfield Place Green Space
	50. Land at end of Healey Avenue
	51. Farnworth Close
	52. Corner of Craigside
	59. Millennium Gardens 60. Gillow Heath Station
	61. Paddock Play Area
	64. Brown Lees Fun Park
	65. Trent Head Well
	66. Hot Scotch Park
	68. Land adjacent to New Road Methodist Church
	69. Village Green
	70. Fields Behind Talbot Car Park 71. Land behind bungalow off grange Road
	75 Coracle Grove
	76 Brown Lees Village Green (southern part)
	77 Brook Street Green Areas
	86. Cherry Garden Tree Lane
	87. Hazel Grove Green Space
	88. Stoneyfields Green Space
	Development proposals within these areas will be
	determined in accordance with national Green Belt policy.
	INTERPRETATION
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	National policy states that Local Green Space has similar
	protection to Green Belts. It should be noted that the purpose of
	Local Green Space designation is related to community value,
	so is different to the five purposes for Green Belts.
	By protecting community value and open character, the policy
	precludes most development in Local Green Spaces. A possible
	exception may be very small-scale development that directly
	supports the community value of the space, without
	compromising its open character. The policy also requires
	impacts on Local Green Space to be considered for adjacent or
	nearby development proposals. Such impacts could include
	noise, visual impact, access or blocking of sunlight.

	Policy /	Proposed Modification
	Section /	·
Recommended	Page no	NE 4: BIDDULPH VALLEY WAY
modification 8	Policy NE4: Biddulph Valley Way P.64	Development proposals must, where practical, have no significant adverse impact on the Biddulph Valley Way and its environs and must take opportunities to enhance the route. This includes: • not encroaching into the route; • providing a positive setting in terms of boundary treatments and allowing natural surveillance.
		INTERPRETATION Development should not turn its back on the Biddulph Valley Way, for example by flanking them with hedges or fencing. It is essential that open surveillance be maintained. It is highly desirable for new development to provide links to existing pedestrian, cycle and bridle routes (see Design Policy DES 2).
		podostrian, cycle and shale reales (eee Beelgh Felloy BEE 2).
Recommended modification 9	Policy NE5: Protection of Views of Local Importance P.65	NE 5: PROTECTION OF VIEWS OF LOCAL IMPORTANCE This policy aims to preserve or enhance significant local views of important buildings, townscape, and skylines within the built and natural environment of Biddulph Town Centre. The following views and vistas (see below) have been identified as being locally important, visible from the town centre: 1. From the Inner Relief Road towards Mow Cop; 2. From the Inner Relief Road north towards Biddulph Town Centre; 3. Well Street towards Mow Cop; 4. John Street towards the north; 5. Wharf Road towards the north; 5. Wharf Road roundabout towards Mow Cop; 7. Station Road towards the north; 8. War memorial towards the north; 9. South View towards the west; 10. Between 66 and 68 High Street (currently Wetherspoons and B&M).
		Major developments, which are likely to affect any of these key views, will be expected to demonstrate how their development has taken into account, these views in the form and layout of the development. The Design and Access Statement that supports planning applications for developments that may affect these views and vistas must demonstrate how the proposal would preserve or enhance them. INTERPRETATION This policy seeks to protect key views within Biddulph Town Centre and vistas towards the open countryside. (Number the key views arrows with the appropriate number, to cross reference with the photographs in the plan.)
Recommended modification 10	Policy HOU1: Housing P.75	HOU 1: HOUSING
	Ŭ.	For developments where housing mix or affordability requirements apply, the following must be achieved:

	Policy / Section / Page no	Proposed Modification
		Affordable provision should must be provided within the development. If this is not possible, affordable provision should will be expected to be provided within the neighbourhood area, except in exceptional circumstances;
		Housing must be designed to be tenure-blind.
		The mix of housing must be based on a current housing needs assessment, to ensure that local need is fully reflected. In particular, housing mix must address identified deficiencies in Biddulph, including:
		 Housing suitable for independent living for older people (preferably in proximity to a bus stop); Affordable homes that include shared equity, discounted market for sale housing shared ownership and affordable rent.
		The following types of housing are particularly welcomed:
		 First Homes; Self-build housing; Innovative design; and high environmental performance.
		INTERPRETATION
		Affordable Homes provision and requirements are set in policy H3 of the emerging Local Plan. As part of the neighbourhood plan review the Housing Needs Assessment will be considered and amended where applicable. This policy encourages self-build.
Recommended modification 11	Policy HOU2: Infill Housing P.76	HOU 2: INFILL HOUSING Housing development of small infill sites within or adjacent to settlement boundaries will be supported within existing residential built frontages, subject to:
		 The housing being set-back and spaced to complement the existing townscape; There being no significant detrimental impact on surrounding residential properties; Avoiding over-development by ensuring that the number of houses relate to the established character of the area.
		INTERPRETATION Infill housing will normally comprise 1-3 houses, and is unlikely to exceed upper limit of 5. This does not apply to larger sites that are windfall within the town centre. Where sites are in the Green Belt national policy requirements will also be considered in conjunction with this policy.
Recommended modification 12	Policy INF1: Critical Road	INF 1: CRITICAL ROAD JUNCTIONS

Policy /	Proposed Modification
Section /	
P.79	In considering whether development would have and a severe adverse impact on road capacity or safety, particular regard should be made to the following congestion pressure points:
	 A527- Newpool Road A527- Park Lane A527- Tunstall Road A527- St Johns Road
	INTERPRETATION The plan outlining the 'Critical Road Junctions' shows all the critical junctions in Biddulph, where there is particular concern over traffic safety and congestion. Applying this policy will require consideration of the impact of the new development, together with the combined impact of other approved developments.
	The submission of a Transport Assessment for qualifying schemes is a requirement of the Local Planning Authority.
	(The format of the policy should be consistent with others. The interpretation should be with the policy, not on a later page, separated by other material.)
Policy INF3:	INF 3: COMMUNITY INFRASTRUCTURE
Community Infrastructure P.83	In considering allocation of CIL or section 106 monies, the following infrastructure priorities should be considered: Adequate and proper provision for surface water and foul water management; Areas that currently experience flooding. Schemes that provide innovative planting and improvements to bio-diversity will be encouraged; Provide better linkages to national cycle network, including the Biddulph Valley Way, Route 55; Provision of improved access to public transport; Provision of new Local Green Spaces, including formal park space; Sensory garden; Play facilities, including those for older young people; Creative space, including entertainment facility and expansion of heritage facilities within the town centre and improvements in public realm. Sites and opportunities to enhance areas shown on the Nature Recovery and Wildlife Corridors Map (see Opportunities in Appendix F) Improve or enhance the Biddulph Valley Way for the enjoyment of the community and natural habitat value. In allocating Section 106 financial contributions made against local plan policy requirements, similar priorities are encouraged.
	Policy INF3: Community Infrastructure

	Policy / Section / Page no	Proposed Modification
	i ago no	considered for inclusion when reviewing the Neighbourhood Plan.
Recommended Modification 14	Policy DES1:	(Incorporate text in the infrastructure chapter on p.77) DES 1: DESIGN
Modification 14	Design P.85	New development must complement the local context and be sustainable. Development must: • complement the existing character and townscape in terms of scale and massing; • complement the established layout in terms of setback from the road and spacing around dwellings; • use high quality, authentic durable materials, to complement the site, character and surrounding context; • provide sustainable drainage and permeable surfaces in hard landscaped areas; • provide screened storage space for bins and recycling. Authentic, distinctive, site-specific architectural solutions will be encouraged, especially innovative designs in terms of building energy performance. The following types of housing are particularly welcomed: • Self-build housing; • Innovative design; and • high environmental performance. INTERPRETATION Design and access statements submitted with planning applications should make clear how the requirements of this policy have been met. In terms of high-quality materials, the policy would be met by authentic local materials and other
Recommended Modification 15	Policy DES2: Public Realm, Car Parking and Movement P.85	durable materials with a high standard of finish and durability. DES 2: PUBLIC REALM, CAR PARKING AND MOVEMENT New development must demonstrate high standards of urban design by: • providing ease of movement for pedestrian routes and footpaths, including links to local services; • ensuring flanking buildings in residential areas have active frontages to provide natural surveillance; • providing a mix of car parking as an integral part of the layout, including garages, covered spaces and driveways, so that vehicles do not dominate the streets and spaces; • ensuring that the number of parking spaces provided within the curtilage of each dwelling is proportionate to the size of the property; • improving and enhancing existing footpaths, pedestrian routes, cycle routes and bridleways (and their settings) including the Biddulph Valley Way.

Policy / Section / Page no	Proposed Modification
	The above policy requirements should be applied in a proportionate manner appropriate to the scale and type of development.
	Applying this policy will require consideration of the impact of the new development, together with the combined impact of other approved developments.
Throughou the plan	Minor editorial amendments as a result of the Examiner's recommendations in order that the plan will still read as a coherent planning document e.g. policy numbering, factual updates, policy interpretation sections, general text, figures, and images, and supporting documents to achieve consistency with the modified policies.