

Response from Stansgate Planning – Stratford-upon-Avon Town Trust

Please fill in your contact details below

Full Name:
Stratford upon Avon Town Trust
Organisation represented (where applicable)
C/o Stansgate Planning
Capacity in which commenting on Plan (eg Resident, Business/Work in Area, Residents' Association Rep, Statutory Consultee)
Address:
9 The Courtyard (KW/RJB/K/3767) Timothy's Bridge Road Stratford upon Avon
Post Code:
CV37 9NP
Email Address:
Rachel@stansgate.co.uk

Your Name: Mrs Rachel Best

Are you content with the Neighbourhood Development Plan as a whole?

YES	
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NO	✓
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If NO, please give your comments for any modifications you would like to see to the Policies or Proposals, or the reasons why you oppose them.

Policy/ Proposal No	Comments or Reasons
General	Please see comment below
Policy H1	Please see comment below

Policy H4	Please see comment below
Policy TC1	Please see comment below
Policy TC2	The Town Trust objects as the policy is too rigid with reference to a specific figure for non-retail uses at ground floor not to exceed 10%. No such percentage restriction is stated in the emerging Core Strategy. The objective of maintaining vitality is welcomed but the policy constrains activity and in any event, may already have been exceeded.
Policy TC3	As a major landowner in the town centre the Town Trust would like an involvement in preparing any guide on the design of shop fronts. Such guidance needs to involve and take account of retailers requirements.

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Policy/ Proposal No	Comments or Reasons
Figure 4	The plan is not clear. The shadings do not appear to relate to the key
Policy TC9	Please see comment below
Policy TC13	The Town Trust support the principle of such improvements stated
Policy TC14	This is inconsistent with TC9 Rother Street Triangle which safeguards the triangle site for mixed use redevelopment and makes no mention of car parking. The wording makes the policy inflexible in bringing forward new car parking or making changes to existing parking to the detriment of the vitality of the town centre. Furthermore, there is reference to a Car Parking Advisory Body and in the event such as Body is found to be necessary the Town Trust would like to be involved
Policy BE3	There is some conflict on the definition of medium and large scale where large is stated as '10 or more dwellings' and medium sized developments as '25-75 units'. In respect of a Design Review Panel, the Town Trust would be pleased to be involved.

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Policy/ Proposal No	Comments or Reasons
Policy BE6	Please see comment below
Policy BE8	Part b) that gives priority to reusing previously developed land over greenfield land should be deleted for reasons set out in representation to NO Policy H4. Furthermore, paragraph 111 of the NPPF 'encourages' effective use of land by reusing previously developed land, it does give any priority over greenfield
Policy BE11	This policy is at odds with the National Planning Policy Framework paragraphs 129-134 where significance of the asset and level of harm is assessed and weighed against the public benefits of the proposal. As written, any harm would preclude any proposals. Furthermore, for ease of interpretation and completeness, it would be helpful if the Historic Spine were defined or shown on plan.
Policy BE12	This policy is at odds with the National Planning Policy Framework paragraphs 129-134 where significance of the asset and level of harm is assessed and weighed against the public benefits of the proposal. As written, any harm would preclude any proposals.
Policy BE14	Delete reference to Level 5 Code for Sustainable Homes having regard to Deregulation Act 2015 as explained in representations to NP Policy BE6
Policy NE1	Please see comment below

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YES	
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Policy/ Proposal No	Comments or Reasons
Policy INF 1	Please see comment below
Policy CLW1	Please see comment below
Policy CLW4	Please see comment below
Policy CLW6	Please see comment below
Section 12	Please see comment below

Stratford upon Avon Neighbourhood Development Plan 2015-2031 Pre-Submission Consultation May 2015

Note abbreviation - Neighbourhood Plan (NP)

General Comments

Timing – The Neighbourhood Plan (NP) is premature. Its purpose is to support the strategic development needs set out in the emerging Core Strategy and plan positively to support local development as outlined in Paragraph 16 of the National Planning Policy Framework. It should therefore be prepared alongside the District Council's Core Strategy to ensure it is compliant and consistent with the need to identify sufficient land to meet development requirements.

Presently, the Core Strategy Inspector's report has concluded there is a shortfall in the amount of new housing identified and an increase in the housing requirement will mean more sites to be found. He has recommended certain locations have scope to accommodate additional housing including in the settlement of Stratford upon Avon.

Section 2 of the NP recognises that changes will be needed to the Core Strategy that will impact on the NP and Section 3 deals with Future Development Issues stating a figure for new houses that is out of date.

It is inappropriate to give designations to land in the NP until the matter of strategic development need is settled in the Core Strategy. In this context the NP is premature and should not progress further at this stage in the emerging Core Strategy process. Once the strategic development needs are agreed and incorporated in the Core Strategy further consultation on the NP should take place.

Evidence Base – there does not appear to be any readily available, published evidence base to support the policies and designations proposed in the NP. Planning Practice Guidance sets out that evidence is needed to support a NP and states '*proportionate, robust evidence should support the choices made and approach taken.*' It states policies should be '*clear and unambiguous* and '*It should be concise, precise and supported by appropriate evidence*' (Paragraphs 040/041 Ref ID 40/41-040-20140306).

Proposals Maps – Reference is made to the *Proposals Map* (for example Policies H1 and H2) and figure 2 is titled as such. There are multiple other maps called *Figures* each showing different designations on the same parcels of land. The type and number of maps is confusing and makes reading the NP difficult as you need to view all maps to understand the designations on one parcel. There should be one Proposals Map with all designations on the same Map. For example, land at Rowley Fields off Maidenhead Road has no designation on the Proposals Map but on other Figures has a Local Green Space designation.

Groups to manage, monitor and review – the NP makes reference to a number of new groups to be set up, for example, the Town Centre Strategic Partnership, Car Parking Advisory Body, and Design Review Panels. Emphasis from central government is however to deregulate and reduce numerous levels of control in order to stimulate the economy and bring about growth. Too many groups with individual remits cause confusion and delay. It is considered to be unnecessary to have a separate group for each issue.

Policy H1 - Built up Area Boundaries

The policy is based on a housing figure that is no longer relevant as the Core Strategy Inspector has found a need for additional housing. The amount of additional housing needed is not yet established and some of the additional housing may be located on sites on the edge of Stratford upon Avon.

There is no flexibility in this policy to allow for additional housing and until such time as an assessment of suitable locations on the edge of the settlement has been completed it is not possible to define the Built up Area Boundary. This issue needs to be settled in the Core Strategy before the NP can progress.

There is land at Benson Road that should be identified to meet future housing needs. Representations on behalf of the Town Trust to NP Section 12: Site Specific Briefs provide further information.

Policy H4 - Prioritising the Use of Brownfield Land

The policy states there is a general presumption against the development of greenfield land. This is at odds with the aims and objectives of the NPPF that there is a presumption in favour of sustainable development. Sustainable development can be on greenfield land as

well as previously developed (brownfield) land. Whilst the Core Planning Principles encourage effective use of land as stated in the NP, they also encourage use of land with lesser environmental value; to actively manage patterns of growth to make fullest use of public transport, walking and cycling; and to focus significant development in sustainable locations. Some greenfield locations may meet this criteria equally as well or be more sustainable than previously developed sites so it follows that the emphasis in the NP should be on sustainable sites rather than previously developed.

Furthermore, there is not enough previously developed land available to meet needs.

Notwithstanding this objection, use of the term 'exceptional circumstances' should be deleted and a criteria based approach used.

Policy TC1 - Town Centre Strategic Partnership

The Town Trust are supportive of raising the profile of the town and would be pleased to be involved. Notwithstanding this, the policy is not clear how a Town Centre Strategic Partnership led by a Town Centre Manager will be formed and whilst the explanation provides more detail on bodies that might be involved how will it work, what will the mandate of the Partnership be? For example, are stakeholders voted for and how do additional stakeholders get involved that are not listed.

TC9 - Rother Triangle Environmental Improvement Area

The Town Trust support the principle and as a major land holder should be involved in preparing a master plan. The policy should however be amended to acknowledge existing uses and other additional uses in the future redevelopment such as:

- Cultural use – the existing Arts House offers sessions for community groups to book and is currently in regular use with a healthy schedule of bookings confirmed;
- Housing;
- Commercial uses;
- Car parking – the explanation refers to the possibility of further car parking. This is cross referenced in NP Policies TC14 Parking in the Town Centre that seeks to protect the existing surface level car park and INF1 3) Initiatives to Reduce Peak Time Travel where Rother Triangle is to be assessed.

These amendments will also ensure consistency with other policies of the NP in respect of community uses and car parking.

TC14 - Parking in the Town Centre

This is inconsistent with TC9 Rother Street Triangle which safeguards the triangle site for mixed use redevelopment and makes no mention of car parking. The wording makes the policy inflexible in bringing forward new car parking or making changes to existing parking to the detriment of the vitality of the town centre.

Furthermore, there is reference to a Car Parking Advisory Body and in the event such a Body is found to be necessary the Town Trust would like to be involved.

Policy BE6 - Design Quality Standards

Reference to Code for Sustainable Homes needs deleting and other standards such as Lifetime Homes and Building for Life are to be advisory rather than a requirement which is the way this policy is written. This is as a result of the Deregulation Act 2015 which came into force March of this year and aims to simplify the local planning burden by removing regulations duplicated in other legislation. It means Code for Sustainable Homes is no longer to be included in Local Plans; rather carbon reduction measures are to be applied through Building Regulations. Furthermore, reference to the Code has been deleted from Core Strategy Policy CS.3 Sustainable Energy so to include it in the NP is not in line with the Core Strategy.

In addition, the governments continued commitment to zero carbon homes by 2016 applies to sites of 10 or more dwellings, not to all new housing developments as stated in BE6.

Policy NE1 - Local Nature Reserves and Figure 10

The Town Trust object to Warwick Road Lands being proposed as Local Nature Reserve (LNR). It is already a Local Wildlife Site (LWS) and there is no reason provided why this should be amended to a Local Nature Reserve. There is no evidence presented to support such a change to the designation and the evidence base of the Core Strategy does not support it. Moreover, it is not deliverable as the district council have no control over Warwick Road Lands.

The difference between LWS and LNR is that the latter has statutory protection. Notably, to be designated LNR the District Council has to control the LNR land either through ownership, a lease or an agreement with the owner. Furthermore, as a manager of a LNR you must also make the land accessible for any visitors. In the case of Warwick Road Lands, it is privately owned land; no agreement is in place with the owner and no attempt has been made to secure such an agreement. It is therefore undeliverable and not appropriate to propose the Lands as LNR in the NP.

There is no definition of what constitutes the Warwick Road Lands and the LWS is named Lench Meadows so it is not at all clear that they are the same site. The Lench Meadows on Figure 10 of the NP appears to reflect the area of the Warwick Road Lands. It could be clarified in the key on Figure 10 which could identify site names.

Policy INF1 - Initiatives to Reduce Peak Time Travel

Part 1) makes reference to 'examination of inner distribution road systems' to include a Western Road to Maybrook Road link. Despite an indication of it in Figure 10 it is not referred to in the Canal Quarter policies. Deliverability is a key issue due to multi-ownership.

INF1 part 3) makes reference to evaluation of car parking at Rother Triangle/Grove Road *as outlined in Policy TC9*. Policy TC9 does not actually refer to it and other representations on behalf of the Trust request for it to be added.

Policy CLW1 - Protecting and Enhancing Existing Community Facilities

This policy conflicts with TC9 as it seeks to resist the loss of existing community facilities but TC9 seeks redevelopment of Rother Triangle Environmental Improvement Area which would lead to the loss of the Arts House, a community facility. Other representations on behalf of the Town Trust to Policy TC9 request amendment to acknowledge the Arts House and such an amendment would bring the policies into line.

Policy CLW4 - Protecting and Enhancing Existing Open Spaces

The Town Trust object to Existing Open Space and Local Green Space designation on two of its sites identified in the list as:

- a) Warwick Road Lands
- b) Rowley Fields (where it relates to land at Benson Road)

Where Rowley Fields is concerned the objection relates to land at Benson Road, not the larger area of land known as Rowley Fields off Maidenhead Road.

Furthermore, they object to the wording 'protected and enhanced' which places a level of burden beyond which the NP can deliver.

Overall the policy is confused and difficult to interpret. It refers to protecting *existing* open spaces but provides no definition of what comprises an open space. It states such spaces will be protected and enhanced to ensure a suitable quantum and quality of recreational and amenity space but not all the areas in the list are publically accessible. The list of sites a) to m) does not clearly relate to Figure 11 which identifies a whole host of areas from SSSI to Green Belt and Area of Restraint which have no relevance to open space. What and where therefore, are the Existing Open Spaces that the policy seeks to protect and how will they be enhanced?

The policy has an additional strand, it seeks protection over and above Existing Open Space and states *'the first six areas in the list satisfy the criteria for Local Green Space designation'* including both Warwick Road Lands and Rowley Fields (which includes land at Benson Road). There is no evidence provided in either the NP or any background documents leading to its preparation to support this assertion.

Paragraph 77 of the National Planning Policy Framework 2012 (NPPF) sets out the principles that such a designation should only be used:

- Where it is in reasonably close proximity to the community it serves;
- Where it is demonstrably special to a local community and holds a particular local significance for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- is local in character and is not an extensive tract of land.

Paragraph 78 states that local policy for managing development within a Local Green Space should be consistent with policy for Green Belts. Planning Practice Guidance provides more information and states designation will need to be consistent with planning for sustainable development in the area. It states *'In particular plans must identify sufficient land in suitable locations to meet identified development needs and Local Green Space designation should not undermine the aims of plan making.'* In this case as development needs are not yet known and the Core Strategy Inspectors report clearly identifies a need for additional

housing it is premature to consider a designation with a permanence and constraint akin to Green Belt. The NP should reflect and accord with strategic development needs set out in the Core Strategy. The proposed allocation will undermine the ability of the District Council to provide sufficient land for development needs not only now but also in future years as such designation is to be given where it will endure beyond the lifetime of the Plan.

Moreover, as the designation carries great significance to the future of such land, when the time is right, there must be a clear evidence base in place to demonstrate how these areas meet the criteria.

Benson Road for example, is pasture land producing an annual hay crop, with a public right of way along the eastern boundary from Welcombe Road/Benson Road. It has been fenced off from the right of way since 2008. It is not recreation land. Furthermore, Planning Practice Guidance recommends where land is not in public ownership, the policy maker should have contact with the landowners at an early stage and to date no such contact has been made.

The policy is confused and there are no grounds to give an added layer of protection to sites over and above open space.

It is noted there is a definition of Open Space in the explanation to Policy CLW5 further on in the NP. It is defined as *all space of public value* and if it is intended this definition applies to those sites in CLW4, there is no evidence how Warwick Road Lands and Rowley Fields (Benson Road part) are of public value.

Policy CLW6 - Promoting New Strategic Green Open Spaces

This policy appears to be incomplete and the Town Trust reserve the right to comment when more information is provided on the location of community woodland and the indicative route of the 'green necklace.' Currently there are a number of rights of way around the town that enables linkage and access within the town and to wider countryside beyond the town.

Section 12 - Site Specific Briefs

This section identifies housing allocations and in addition to the sites referred to there is land at Benson Road that should be identified to meet future housing needs.

Benson Road

The site is identified on location plan 3767-A-100. The site is bordered by residential development to the north, south and west. To the east, the site boundary is formed by a public right of way beyond which are open fields and residential development known as 'The Hill' (which is accessed from Warwick Road) to the south-east. The site is bordered by hedgerow and trees to its boundaries. There is a post and rail fence separating the pasture land from the right of way.

To the south, access for development is available via 7 Benson Road which is owned by the Trust and which falls within the Built up Area Boundary as defined in the adopted Local Plan.

The site is pasture land laid to grass and initial ecological survey identifies habitats within the site are considered to be of low ecological value and are therefore unlikely to form an ecological constraint to the proposals. A hay crop is taken from the land annually. A number of mature trees were recorded, albeit these were largely located at the site boundaries / offsite and can be retained as part of development proposals. No potential for Great Crested Newts was found within the vicinity although further survey for reptiles on the field margins is underway. No evidence of bats has been found at 7 Benson Road, which would be demolished to allow access to new development although survey work is ongoing.

The site is Flood Zone 1 which means it is a low risk of flooding. The site is outside of the Conservation Area and the listed building of 30 Avenue Road is separated from the site by existing residential development.

The site is suitable for about 8 dwellings.

Enc. Location Plan 3767-A-100

Stansgate Planning

July 2015