

## **COUNCIL**

7 September and 13 September 2005

*Held at Elizabeth House, Stratford-upon-Avon*

*Meeting commence at 2.00pm on Wednesday 7 September 2005 and adjourned at 4.03pm*

*Meeting re-convened at 5.00 pm on Tuesday 13 September 200, ending at 5.25pm.*

Present: The Chairman of the Council (Councillor Dixon) in the Chair

### **7 September 2005**

#### **COUNCILLORS**

Appleton	Giblin	Moorse	Stevens
Barnes	Gray	Organ	Thirlwell
Bates	Haddon	Patrick	Thomas
Beaman	Harrison	Perry	Topham
Beese	Higgs	Price	White
Bowring	Hobbs	Roache	Williams
Brain	James	Rock	Winterburn
Cockings	Lloyd	Russel	H Wright
Cronin	Macaulay	Short	
Dally	Meade	Slaughter	

#### **416. Disclosures of Interest**

Personal Interests were disclosed by the following Councillors in respect of the items indicated:-

- Councillor Hobbs – personal interest in matters relating to agriculture

Arising from a comment by Councillor Higgs, it was noted that all Members had received copies of letters and e-mails in connection with housing development in Shotton.

#### **417. Minutes**

The Minutes of the meeting held on 27 July 2005 were confirmed and signed.

#### **418. Apologies for Absence**

Apologies for absence were received from Councillor Akeister, Beckett, Close, Flower, Hower, Jackson, Juned, Lawrence, Pemberton, Saint, Seaman, I E Seccombe, P S Seccombe and R Wright.

#### **419. Announcements**

The following items were reported by the Chairman under this item:-

- The Chairman reported that his and Cllr. James' efforts, at the Kellogg's Great Walk when it passed through Stratford on 2 August, had raised funds for the Chairman's charities in excess of £200.
- The Chairman's personal weight challenge was currently 'in the balance' and he urged members to 'take as risk' and sponsor him not to put on weight during his year as Chairman.
- The 'themed-topic' for discussion at the next Council meeting would be 'crime and the fear of crime'
- Bowling League – the Chair sought to encourage Councillors and officers to participate in the league, this would restart in October.
- Football Prediction League – the Chair reported that through the hard work of Steve Bosworth there were 31 participants in the league this year and that this had resulted in a contribution of £33.25 to his charity fund. Any winnings by the Chairman will go to his fund, which is for 'Age Concern Warwickshire'

#### **420. Public Participation**

Two members of the public had each submitted two questions in accordance with Council Procedure Rule 10:

Mr G Brace on behalf of RASE (Residents Against Shottery Expansion) asked the following questions to Councillor Stuart Beese as the Planning Portfolio Holder in respect of Land West of Shottery:-

Question 1

*'In view of the fact that Mr Sheppard's ruling on the use of land West of Shottery and the significance of Shottery Brook to local ecology, was admitted by him to be contrary to national planning policy and contradicted and over-ruled the findings of two previous Inspectors, why are you so sure that a fourth Inspector, with access to house building numbers which were too late to be considered by Mr Sheppard, would necessarily prefer Mr Sheppard's opinions to those of Mr Golder ?*

Councillor Beese, as the Planning Portfolio Holder, replied as follows:-

*Inspector Sheppard's conclusions are based on currently operative planning policies and clearly reflect ongoing policy development at the national level.*

*The proposed status of SUA.W as a Strategic Reserve means that it would not be released for development unless and until it is required to meet housing need in the District. Should a future housing situation mean that greenfield land is required, Inspector Sheppard's assessment of the relative merits of a wide range of sites on the edge of Stratford-upon-Avon holds good.*

*On the specific issue of ecology, Inspector Sheppard concluded that he saw 'no convincing evidence of any especial ecological interest in the area likely to be affected by the proposals or that any material harm should be anticipated in this respect.' (para. 758)*

*Inspector Golder in his report on the previous Local Plan Inquiry makes no reference to ecological issues in relation to Shottery Brook. Overall, he did not support land west of Shottery given the situation that applied at that time, favouring instead allocations at Bridgetown Farm and at The Avenue, Birmingham Road.*

Question 2

*'What order is the authority for the demand that the District Council identify land for more housing provision from 2011 to 2016, and has the Council considered a challenge to this order on the grounds of Regional Economic Development Policy, which is firmly rooted in creating or developing CLUSTERS of complementary trades to provide centres of excellence? Does not Stratford offer an ideal tourist trade cluster of river, theatre, hotels, B&Bs, restaurants and historic buildings, and if so would not Regional Policy be to husband and develop its attractive character by reviewing the zoning of land use to provide other housing potential than the greenbelt protected land part of this asset.'*

Councillors Beese and Williams, as Portfolio Holders for Planning and Local Economy and District Promotion, replied as follows:-

*The Regional Economic Development Strategy is consistent with regional planning policy as set out in the Regional Spatial Strategy. The recommended approach to land west of Shottery is also consistent with the RSS (refer to letter dated 5.9.05 from Rose Poulter, Director of Policy, West Midlands Regional Assembly).*

*It should be noted that no part of SUA.W lies within the Green Belt.*

*Inspector Sheppard takes the view that SUA.W provides effective and long-term benefits for the tourism asset of Stratford-upon-Avon, in relation to traffic relief in the town centre and Shottery and also managing Anne Hathaway's Cottage as a specific visitor attraction.*

Miss A Draycott – Chairman, Shottery Village Association asked the following questions to Councillor Stuart Beese as the Planning Portfolio in respect of Land West of Shottery:-

Question 3

*'Has the Council given due weight to the fact that the Inspector was unable to use the new figures, by which the officers have shown clearly that the town is ahead of its government imposed house building targets? AS we know, Stratford will have built all the houses required of it by the planning horizon 2011, without the need for a single extra house West of Shottery. Surely, any 'Modification Inquiry' would allow the striking out of the Shottery allocation as it is patently not needed within the scope of the plan. We note STR.2A provides for this action.*

Councillor Beese, as the Planning Portfolio Holder, replied as follows:-

*The Council has taken fully into account the fact that the Inspector was not aware of the current housing situation. It is an ever-changing issue and even at this point in time it is not clear how the housing figures may change in the future. A partial review of the Regional Spatial Strategy in relation to housing figures is due to start shortly, and this will have to take into account any changes to national housing and planning policy.*

*In the light of this, and the specific situation in this District relating to housing development on allocated and windfall sites, it cannot be assumed categorically that SUA.W will not need to be released before 2011.*

*It is the role of STR.2A, as clearly worded, to provide flexibility to deal with any potential change of circumstances and allow the District Planning Authority to respond accordingly.*

Question 4

*'Are the Councillors aware that the West of Shottery Relief Road as at present defined would effectively turn Evesham Road into an extension of the Northern By-pass, to which no access roads are allowed, whilst Evesham Road has 12 intersections and more than 100 private drives together with a pedestrian flow from housing on the Southern side to the schools on the Northern side. According to Council figures SUA.W would have the effect of more than doubling the existing peak flow by 2024 on this sensitive road ?*

Councillor Beese, as the Planning Portfolio Holder, replied as follows:-

*Inspector Sheppard was provided with extensive evidence on traffic figures across the whole network in Stratford-upon-Avon, including a significant increase in vehicle flows on Evesham Road during the morning and afternoon peak hours. He did not identify such an impact on Evesham Road as being unacceptable and concluded that there would be wider benefits to the road network and traffic management in the town as a whole.*

*The Highway Authority is aware of the situation (the traffic figures were produced and presented to the Inquiry by its consultants). On that basis, it can be assumed that the forecast increase in traffic flows on Evesham Road is acceptable to the Highway Authority and not unreasonable given the nature of the road.*

In response to a supplementary question enquiring when the next traffic survey would be undertaken, Councillor Beese explained that the County Council had no plans to do a survey for another 5 years but that he was in discussion about this Council doing its own.

**421. Stratford-on-Avon District Local Plan Review – Response to the Inspector’s Report and Proposed Modifications**

Before commencing its consideration, Council agreed to suspend the provisions of Council Procedure Rule 15.2 to allow Members to speak more than once during the debate.

Mr Stuart Beese, Executive Portfolio Member for Planning, presented the Council’s response to the Inspector’s Report on the Local Plan. This was contained within a document that had been made available to all Members (‘Appendix A’). He was supported by Peter Goatley, Barrister to the Council, who provided guidance on the legal implications.

The response to the Inspector’s report had been considered by the Environmental Services Overview and Scrutiny Committee on 26 July and by the Executive on 1 August and they had made recommendations to Council that were contained within paragraph 3.4 of the report. A further recommendation to address an editorial error was detailed in paragraph 3.5.

Councillor Beese went through each section of the report in turn allowing debate on individual policies.

In relation to proposal SUA.W – land west of Shottery – Council debated an amendment to remove this site from the Local Plan, as land indicated for future development.

RESOLVED:

That recommendation (1) on Page 14 (of the Response to the Inspector's Report) be amended by the addition of the words 'subject to the addition of recommendation (2) hereafter.

That the following words be added as a new recommendation (2), with the existing items (2) to (4) being re-numbered:

(2) Recognising:

- the higher than forecast density of housing development coming forward
- the higher than forecast level of brownfield site windfall developments
- that Policy CF2, RPG11 recommends that new housing developments in this area should be restricted to meeting local housing needs and not that of inward migration
- the likely impact on targets of both RPG11 and the guidance given by Rt Hon Keith Hill, MP

the following words be added to Policy STR.2:

'Notwithstanding anything to the contrary elsewhere in this report, no planning permission will be given for the development of any greenfield site within Stratford District unless the proposal meets the requirements of COM1. A consequence of this will be the deletion of proposal SUA.W, west of Shottery.'

(In accordance with Rule 18.4, a named voted was taken on this amendment, and the voting was as follows

For: (20)

Barnes, Bates, Beaman, Bowring, Cockings, Cronin, Giblin, Harrison, Higgs, Lloyd, Macaulay, Meade, Moorse, Patrick, Perry, Price, Rock, Thomas, White and H Wright.

Against:(18)

Appleton, Beese, Brain, Dally, Dixon, Gray, Haddon, James, Organ, Roache, Russel, Short, Slaughter, Stevens, Thirwell, Topham, Williams and Winterburn)

Council continued its deliberation of matters contained within the report.

Consequent to approval of the amendment detailed above, Council were mindful of the need to make other changes to the Council's Response. As these changes would require careful deliberation and need for advice to be taken, Council decided to defer further consideration on these particular matters to a reconvened meeting.

(Note: this item is continued in Minute 425 below)

## **422. Notices of Motions Received**

### **(1) Housing Targets and Planning Guidance**

The following Motion was moved by Councillor Moore and seconded by Councillor Thomas in accordance with Section 13 of the Constitution's Council Procedure Rules:-

*'This Council notes that:*

- *there is a strong likelihood that housing targets for the Stratford District Council area for 1996 to 2011 will be exceeded;*
- *RPG11 states that development targets for this area are maxima, not minima; and*
- *There were 2,981 households on the Council's housing waiting list at the beginning of August 2005*

*This Council therefore requests the Executive to examine the introduction of Supplementary Planning Guidance, as has been done in Warwick and Bromsgrove District Councils, in order to take powers to refuse planning applications that would result in the targets for 1996 to 2011 being exceeded. The Executive is further requested to consider whether to restrict future housing developments to affordable housing only.'*

In accordance with the Constitution, the Motion stood referred to the Executive for consideration and report to the Council.

## **423. Urgent Business**

The Chairman of the Meeting agreed to allow the transaction of urgent business in accordance with section 100(B) of the Local Government Act 1972 in order to prevent undue delay in the implementation of the Council's new Senior Management Structure.

### **(1) Financing Revisions in Proposed Management Structure**

The Executive at its meeting on 31 August 2005 considered matters relating to the review of the Senior Management Structure and, in agreeing in principle to a new structure, had RECOMMENDED to the Council:

*"that the implementation of revisions to the structure take place forthwith with any costs arising being met initially from revenue balances".*

In recommending this, the Executive had noted that the possibility of capitalising the costs would be investigated. Under the financing arrangements, the financial payback period would range from under 1 year up to a maximum of 3.3 years. However, following further investigations, if all new appointments were made at the maximum salary this payback period would increase to 3.8 years. Precisely how long the payback period would be depended on the appointments made. All likely implementation fell within the council's normal policy.

All Members had received previously copies of the Executive papers, which were the background papers to this report.

This was a recommendation to the Council because the proposals fell outside the existing budget framework and, therefore, formal Council ratification of was required.

The Council was not being asked to consider any other matter relating to the management structure. This was an Executive decision that was subject to the Council's "Call-In" arrangements in the usual way.

RESOLVED:- that Executive's recommendation be approved and adopted.

(2) **Appointments Committee**

It was necessary to establish an Appointments Committee in relation to personnel issues relating to the Senior Management Restructuring.

RESOLVED:-

- (1) That an Appointments Committee be established to deal with all aspects of the recruitment to relevant posts;
- (2) That the Committee be constituted in accordance with the Political Balance Regulations and comprise of 5 Members to include a member of the Executive, together with the Chairman of the Council (ex-officio). A representative of the independent group would be invited to attend as an observer; and

*(Note:- The composition of the Committee will vary according to the particular appointment to allow for membership by the relevant portfolio holder).*

- (3) That the Committee be requested to make the Council's Monitoring Officer its initial appointment and to make an appropriate recommendation to Council.

The meeting adjourned at 4.03pm.

Present: The Chairman of the Council (Councillor Dixon) in the Chair

**Tuesday 13 September 2005**

Appleton	Gray	Organ	Seaman
Bates	Harrison	Patrick	Slaughter
Beaman	Higgs	Pemberton	Stevens
Beckett	Jackson	Perry	Thirlwell
Beese	James	Price	Thomas
Cockings	Lawrence	Roache	Topham
Cronin	Lloyd	Rock	Williams
Dally	Macaulay	Russel	Winterburn
Giblin	Moorse	Saint	

**424. Apologies for Absence**

Apologies for absence were received from Councillors Akeister, Close, Flower, Hewer, Juned, Meade, Russel, Saint, I Seccombe, P Seccombe, Short, Thirlwell, White, H Wright and R Wright.

**425. Stratford-on-Avon District Local Plan Review – Response to the Inspector’s Report and Proposed Modifications**

Members continued their deliberations on the Local Plan with particular regard to the consequences arising from approving the amendment detailed in Minute 421 above. An Addendum Report had been circulated scheduling those consequential amendments suggested by the Portfolio Holder to other parts of the Plan that arose by reason of the principle of the above resolution. Also, it included a suggested wording for inclusion into Policy STR.2 that would achieve the intent of the amendment agreed by Council.

RESOLVED:-

- (1) That the report referred to as Appendix A to the report to the Executive, as amended by the changes set out in paragraphs 3.4 and 3.5 above and the Portfolio Holder’s Addendum Report (attached as Annex A) be approved as the Council’s response to the Inspector’s Report.
- (2) That the Head of Planning and Building Control be authorised to make changes of a minor editorial nature to the text and maps and to prepare and place on deposit Proposed Modifications to the Stratford-on-Avon District Local Plan Review.
- (3) That the Head of Planning and Building Control, in consultation with the Head of Legal Services, be authorised to undertake all the necessary legal and procedural arrangements in respect of the Proposed Modifications to the Local Plan Review.
- (4) That the Local Plan Review, as proposed to be modified, be approved and be given appropriate weight, as an emerging development plan, for the purposes of development control.

CHAIRMAN

ANNEX A

**Addendum Report for Council 13 September 2005**

**Stratford-on-Avon District Local Plan Review – Response to the Inspector’s Report and Proposed Modifications**

**Introduction**

This report assumes that the wording of the motion put forward to Council at the meeting on 7<sup>th</sup> September was not intended as a direct insertion to the Plan. It assumes that members have resolved upon the principle, which was to omit proposal SUA.W from the plan.

Members also resolved to adjourn the meeting so that officers could reflect upon the consequential amendments that would arise by reason of that resolution and also to make explicit whether the resolution was intended to extend to both the Kipling Road and the Egg Packing Station sites.

Other consequential amendments to Policy STR2 also necessitate reference to other parts of the Plan where, in very limited circumstances, greenfield development is acceptable, in particular Policies COM.1, CTY.2A, CTY.5, and CTY.6.

Hence, set out below is a schedule of consequential amendments. The schedule contains those consequential amendments to the other parts of the Plan that arise by reason of the principle of the above resolution. It also provides a suggested form of wording for inclusion into Policy STR.2 which will achieve the intent of the motion agreed by Council.

**Schedule of Consequential Amendments to Appendix A**

**Policy STR.2 – New Housing Provision (see pages 8-13 of Appendix A)**

**Officers’ Observations:**

It is necessary for the Council to agree the precise form of words which will be published as the proposed modification to Policy STR.2.

**Recommended response:**

That Policy STR.2 as set out in Appendix A be modified by:

- (i) inserting the following sentence at the end of the policy:

Planning permission will not be granted for the development of any greenfield site except in those limited cases which would be permitted by other policies set out in the plan.

- (ii) inserting the following paragraph at the end of the explanation:

For the avoidance of doubt planning permission will not be granted for residential development on greenfield sites unless proposals accord with the provisions of specific policies within the plan. There are a limited number of circumstances in which small-scale residential development on greenfield sites could accord with the plan’s policies as follows:

Policy COM.1 – Local Choice  
Policy CTY.2A – Re-use of Rural Buildings  
Policy CTY.5 – Housing ‘exception’ schemes  
Policy CTY.6 – Rural workers’ dwellings

**Policy STR.2A – Phasing of housing development (see pages 13 to 15 of Appendix A)**

**Officers' observations:**

The implications of the Council's decision are that the three sites proposed as Strategic Reserve Sites (Proposal SUA.W – land west of Shottery, Proposal SUA.X – Egg Packing Station, Bishopton Lane, and Proposal SUA.Y – land south of Kipling Road) should be deleted from this policy. As a consequence, a substantial part of Policy STR.2A and its explanation, as set out in Appendix A, is no longer required.

**Recommended response:**

That Policy STR.2A and the accompanying explanation be modified to read:

The release of sites for housing development will be regulated taking into account the extent of progress towards the provision set out in Policy STR.2, and of the aims of Policy STR.4, together with any changes in strategic planning policy.

**Explanation**

Government guidance in PPG3 states the presumption that previously developed (brownfield) sites should be developed before greenfield sites, except where the former perform poorly against the assessment criteria in PPG3. Policy H.4 in the WASP also seeks to encourage brownfield development ahead of using greenfield sites unless these meet specified criteria. It should however be noted that the policy is also applicable to brownfield sites. There may be circumstances in which the release of brownfield sites, in particular those that are in less sustainable locations than Stratford-upon-Avon, will need to be regulated within the scope of this policy.

The housing provision identified in this Plan covers the period up to 2011 and the forthcoming partial review of Regional Spatial Strategy will determine the housing requirements at district level post 2011. It is anticipated that during the current plan period to 2011, housing requirements will be met through the development of brownfield sites. In accordance with the 'plan, monitor, manage' approach advocated in PPG3 the District Planning Authority will closely monitor housing provision to ensure that an adequate supply is maintained, but also to ensure that the maximum targets specified in the Regional Spatial Strategy are not exceeded. If the latter circumstance arises the District Planning Authority will need to take appropriate steps to manage the release of sites for housing.

**Proposal SUA.HB – Stratford-upon-Avon, Kipling Road – community woodland & meadowland**

**Omission Proposal OM007 /Pr – Stratford-upon-Avon – Bridgetown Community Woodland**

**Omission Site OM083 – Stratford-upon-Avon, Kipling Road, south of residential development  
(see pages 106 to 108 of Appendix A)**

**Officers observations:**

The implications of the Council's decision are that the site south of Kipling Road should not be identified as a Strategic Reserve Site. The response to this section of Appendix A therefore needs to be amended to reflect this. This site was not included in the Revised Deposit Draft Plan and as such the response to the Inspector's Report is that no modification should be made to the Plan.

Council does however need to take a view on the Community Woodland proposal. The Inspector clearly found some merit with this proposal, but felt that the delivery of the proposal would be impractical without the development of part of the site for residential purposes. If the Council wishes to maintain its commitment to extending the Community Woodland in this location, the most appropriate response would be to retain Proposal SUA.HB as shown in the Revised Deposit Draft Plan. As such the response to the Inspector's Report is that no modification should be made to the Plan.

**Recommended response:**

That no modification be made to the Local Plan Review.

**Proposal SUA.W – Stratford-upon-Avon, Shottery, land to west – mixed use allocation (see pages 120 – 123)**

**Officers' observations:**

The implications of the Council's decision are that the site west of Shottery should not be identified as a Strategic Reserve Site. The response set out in this section of Appendix A therefore needs to be amended to reflect this. In this case it is necessary to modify the Plan to delete Proposal SUA.W in its entirety.

**Recommended response:**

That the Local Plan Review be modified by the deletion of Proposal SUA.W.

**Omission Site OM057 – Stratford-upon-Avon, Bishopton Lane, Egg Packing Station – residential development (see pages 127-128 of Appendix A)**

**Officers' observations**

The implications of the Council's decision are that the Egg Packing Station site should not be identified as a Strategic Reserve Site. The response to this section of Appendix A therefore needs to be amended to reflect this. This site was not included in the Revised Deposit Draft Plan and as such the response to the Inspector's Report is that no modification should be made to the Plan.

**Recommended response:**

That no modification be made to the Local Plan Review.

COUNCILLOR STUART BEESE  
**Portfolio Holder for Planning**

