



Response to Representations received on the Further Proposed Modifications

June 2006



Analysis of Representations

Topic FM.1 Section 1.2 - Context

Summary of Matters Raised in Representations

1. The additional text does not provide an adequate description of the 'status of the plan'.
2. The plan's strategy is completely different from that considered at the Local Plan Inquiry.
3. The modifications should be subjected to full public scrutiny through a new Local Plan Inquiry.

Officers' Response to Matters Raised

1. The further modification is a simple statement of fact in as much as the Regional Planning Body has confirmed that the Local Plan Review is in general conformity with the Regional Spatial Strategy.
2. It is not accepted that the plan's strategy is completely different from that which was considered at the Local Plan Inquiry. The fundamental principles of the plan's strategy remain unchanged. For example, the overall goal, core aims and operational objectives are all unaltered from those considered at the Inquiry. What has changed, as a result of the new Regional Spatial Strategy, is the strategic housing requirement which the plan must address. In addressing the revised requirements the Council has carefully followed the guidance received from both the Government Office and the RPB to ensure conformity with the RSS. The Council has applied the same strategic approach as was applied to meeting the Structure Plan Requirement e.g. allocated sites are focussed on the main town of Stratford-upon-Avon and priority continues to be given to the development of urban brownfield sites in advance of greenfield urban extensions.
3. As the Plan's strategy has not fundamentally changed it is not considered that a further Inquiry is necessary. Furthermore there would be little purpose in holding such an Inquiry when the end date of the Plan is only 5 years away and the Council has committed to the replacement of the Plan through the preparation of the new Local Development Framework within 3 years.

Recommended Action

Confirm modification.

Topic FM.2 Policy STR.2 - New housing provision

Summary of Matters Raised in Representations

1. The restriction of housing supply suggested by the further modification is contrary to the aims of the Government (see the Barker Review and draft PPS3) to ensure the adequate delivery of housing over the period of the RSS and should be deleted from the Plan.
2. The modification seeks to implement a mechanism for the release of housing that is based on a strategy which has not been subject to proper scrutiny at a public inquiry. A new Local Plan Inquiry should be convened.
3. The wording of policy STR.2 should make it clear that the circumstances in which development will be permitted will not include greenfield sites or sites designated as strategic reserves in the LPR. Alternatively the explanatory text should make it clear that the proposed SPD will not enable the release of such sites.
4. The trigger of 10% overprovision against the RSS requirement is too high and contrary to the intention of the RSS. Various alternatives are suggested including 5%, 2% and 0%.
5. The wording ' Exceptionally, proposals for housing which will have appreciable benefits for the local community and the environment will be permitted. The circumstances in which proposals may be permitted will be defined in detail in a Supplementary Planning Document ' should be deleted.
6. The use of a supplementary planning document gives a mandate to make a significant change to the plan without due provision for comment or objection.
7. There is no need to prepare a supplementary planning document as there is no such thing as housing which will have appreciable benefits for the local community and the environment.

Analysis of Representations

Officers' Response to Matters Raised

1. The purpose of the further modification is to prevent a significant overprovision of housing development which would undermine the strategic policy set out in the RSS. Significant overprovision in shire districts such as Stratford-on-Avon could have the effect of undermining the objectives of urban renaissance set out in the RSS and help to perpetuate the movement of people and jobs out of the Major Urban Areas. It should be remembered that the RSS was issued by the Secretary of State and as such represents government policy for spatial planning in the West Midlands Region. The approach set out in Policy STR.2 is entirely consistent with government policy as set out in the RSS.

2. This issue is addressed in the response to FM.1. It is not accepted that the plan's strategy has fundamentally changed or that a new Inquiry is justified.

3. Policy STR.2A makes it clear that the development of any of the Strategic Reserve Sites for housing will not be permitted for housing before 31 March 2011, unless there is significant under provision of housing land identified through the monitoring process. This position is not changed by the further modification to Policy STR.2. Conversely Policy STR.2 is now specifying the course of action to be taken if there is significant over-provision of housing land and it is self evident that this would not enable the release of the Strategic Reserve Sites. As regards greenfield sites, there may be forms of development which are classed as greenfield which the Council would still wish to permit through the operation of the supplementary planning document. These could include the conversion of rural buildings under Policy CTY2A, the provision of exception sites for affordable housing in rural areas in accordance with Policy CTY.5, and the provision of rural workers dwellings in accordance with Policy CTY.6. It would be misleading therefore for Policy STR.2 to completely rule out all development on greenfield sites.

4. The definition of a trigger point is of necessity arbitrary. The figure of 10% is judged to be a reasonable indication of the point at which overprovision could be considered as significant in terms of harm to strategic policy set out in the RSS. At the time of the Proposed Modifications which were published in October 2005, monitoring indicated a potential overprovision of 6%. It is evident that neither the Government Office or the Regional Planning Body considered that this surplus would be prejudicial to strategic planning policy. It should be borne in mind that we are still dealing with a situation of potential overprovision rather than actual overprovision against the RSS requirements.

5,6 and 7. These concerns all relate to the use and operation of a Supplementary Planning Document (SPD) as a means of managing housing supply. In advocating this the Council is following a similar approach to that which has been successfully implemented by Warwick District Council. A SPD must by definition be supplementary to the Local Plan and it will therefore be prepared in the context set by Policy STR.2 and STR.2A. It will not enable significant changes to the plan without provision for comment or objection. The purpose of the SPD will be to implement the provisions of Policy STR.2 in the event that monitoring indicates a potential overprovision of 10% or more. Policy STR.2 enables the Council to refuse planning permission for dwellings on the basis of significant overprovision, the SPD would simply provide detailed guidance on the limited range of proposals which could still be permitted because they have a positive value for the local community and the environment. The preparation of the SPD will involve full public consultation on a draft SPD, and full consideration of representations prior to its adoption. It should be noted that the purpose of the SPD will be to reduce the level of housing provision in order to prevent an oversupply against strategic requirements. This is an objective which the majority of the objectors support. It must be accepted that there will continue to be certain forms of residential development which the Council will want to permit because of the benefits it will have to local communities. The most obvious being proposals for affordable housing to meet local needs.

Recommended Action

Confirm modification.

Analysis of Representations

Topic FM.3 Policy PR.7 - Flood defence

Summary of Matters Raised in Representations

1. This section should be broadened to include sewer flooding and an acceptance that flooding could occur away from the flood plain as a result of development.
2. The modification does not address an earlier objection. Suggest the following wording:
' The District Council will carefully consider whether a flood risk assessment is necessary, and when one is needed and submitted, will examine it and reject the proposal unless it adequately demonstrates that the development can proceed without creating an unacceptable flood risk to future occupants or elsewhere.'

Officers' Response to Matters Raised

1. The existing wording of the policy and explanation already acknowledges that flooding problems can occur in locations outside floodplains and refers specifically to minor watercourses, inadequate culverts and ditches. Further references are not necessary.
2. The wording used in the further modification is considered to be sufficient and makes it quite clear that the Flood Risk Assessments (FRAs) must demonstrate that development can proceed without creating an unacceptable flood risk to future occupants or elsewhere. Existing wording in the explanation also makes it clear that FRAs will be subject to full scrutiny by the Council and the Environment Agency and are essential in assessing a schemes acceptability in planning terms.

Recommended Action

Confirm modification.

Topic FM.4 Policy PR.10/1 - Safeguarded land - Studley Bypass

Summary of Matters Raised in Representations

The route for the proposed bypass should continue to be protected for the following reasons:

1. According to evidence provided by the Highways Agency, the scheme would only blight very few people,
2. There is possibility that some parts or all of the route may be used for a subsequent bypass.
3. It is the best option
4. Proposal is supported by both Warwickshire and Worcestershire County Councils.
5. The transport industry may support the introduction of a toll road solution.
6. If an alternative new bypass were to be proposed, there would be another inquiry at a considerable expense.
7. Agreed route was part of Redditch New Town Plan.
8. DEFRA has confirmed that one solution to air quality problems in Studley would be to build the bypass.

Officers' Response to Matters Raised

The pros and cons of building the bypass have been comprehensively debated at various public inquiries in the past. It is therefore not intended to rerun the debate by commenting on the merits or otherwise of the scheme. The support of the District and County Councils for the scheme has been well documented. However, strategic guidance regarding blight in PPG12 is a material consideration that cannot be ignored. In particular, when there is no realistic prospect of the scheme being implemented in the plan period. It needs to be emphasised that Policy PR.10/1 makes it very clear that the continuing safeguarding of the route was predicated on the successful outcome of the County Council's legal challenge to the Revocation Orders. That challenge was withdrawn and the Revocation Orders stand as confirmed by the Secretary of State. It is therefore no longer tenable to continue to safeguard the route.

Recommended Action

Confirm modification.

Analysis of Representations

Topic FM.5 Policy EF.7 - Nature conservation and geology

Summary of Matters Raised in Representations

No objections submitted.

Officers' Response to Matters Raised

No response required.

Recommended Action

Confirm modification.

Topic FM.6 Policy EF.7A - Protected wildlife species

Summary of Matters Raised in Representations

No objections submitted.

Officers' Response to Matters Raised

No response required.

Recommended Action

Confirm modification.

Topic FM.7 Policy DEV.10 - Crime prevention

Summary of Matters Raised in Representations

No objections submitted.

Officers' Response to Matters Raised

No response required.

Recommended Action

Confirm modification.

Topic FM.8 Policy DEV.14 - Advertisements

Summary of Matters Raised in Representations

No objections submitted.

Officers' Response to Matters Raised

No response required.

Recommended Action

Confirm modification.

Analysis of Representations

Topic FM.9 Policy COM.1 - Local choice

Summary of Matters Raised in Representations

1. Places undue emphasis on schemes which have the expressed support of the local community.

Officers' Response to Matters Raised

1. The modification actually provides slightly more scope for a 'local choice' scheme to be granted planning permission without the expressed support of the local community. This is to reflect the fact that, as the District Planning Authority, the Council has the responsibility to approve development schemes that satisfy all reasonable planning considerations.

Recommended Action

Confirm modification.

Topic FM.10 Policy COM.5 - Recreation open space

Summary of Matters Raised in Representations

No objections submitted.

Officers' Response to Matters Raised

No response required.

Recommended Action

Confirm modification.

Topic FM.11 Policy COM.8A - Aviation

Summary of Matters Raised in Representations

No objections submitted.

Officers' Response to Matters Raised

No response required.

Recommended Action

Confirm modification.

Topic FM.12 Policy COM.13 - Affordable housing

Summary of Matters Raised in Representations

1. The omission of point iv) is not justified as there would be no clear and fast path forward for changing site size thresholds should this be necessary.

2. Object to the reference to the preparation of Supplementary Planning Guidance on the basis of additional information coming forward through the Local Housing Assessment. The Local Housing Assessment ought to be available and published now.

Officers' Response to Matters Raised

1. The site size thresholds are specified in Policy COM.13 as recommended by the Inspector. Unfortunately it is not possible to change the thresholds through supplementary planning guidance as SPG must conform with Policy COM.13. Regrettably it was necessary to omit point iv) to reflect the limitations of what can be addressed by supplementary guidance.

Analysis of Representations

2. Strictly speaking this is not an objection to the further modification proposed by the Council as the references to the preparation of Supplementary Planning Guidance were already included within the policy. This has not been changed by the further modification. As regards the Local Housing Assessment it was anticipated that this would be finalised by now, but the consultants have been required to do further work to ensure that the final report presents a robust assessment of local housing needs. Warwick District Council did publish some preliminary draft results for the purposes of their Local Plan Inquiry, but little weight can be attached to these. The findings of the Local Housing Assessment will be made available as soon as possible and will inform the preparation of a Supplementary Planning Document on meeting Local Housing Needs. This SPD will have to conform with policy COM.13, but will set out detailed technical objectives and targets that cannot be covered in the Local Plan policy. It was never anticipated that the Local Housing Assessment would directly inform the preparation of the Local Plan. The primary purpose for commissioning the assessment was to inform the Council's Housing Strategy and to be part of the evidence base which the Council will use to prepare the new Local Development Framework.

Recommended Action

Confirm modification.

Topic FM.13 Proposal SUA.I - Cattle Market, Alcester Road, Stratford-upon-Avon - mixed use allocation

Summary of Matters Raised in Representations

1. Developers of the Cattle Market are required to make contribution towards the steam locomotive servicing centre and turntable facility. A list of items were sent to developers of the site as basis for securing contributions. It is important that contribution to the list of items be honoured by the developers.
2. It is essential that access to the Steam Centre site is maintained at the bottom of Western Road.

Officers' Response to Matters Raised

This is not considered to be an objection to the Plan. However, comments made will be taken into account in the planning application process.

Recommended Action

Confirm modification.

Topic FM.14 Proposal SUA.W - West of Shottery, Stratford-upon-Avon, Proposal SUA.X - Egg Packing Station, Bishopton, Stratford-upon-Avon, Proposal SUA.Y - South of Kipling Road, Stratford-upon-Avon

Summary of Matters Raised in Representations

1. It is important to reflect the fact that such sites are to come forward for development in due course through their inclusion within the Built-Up Area Boundary.
2. Proposal SUA.W should take priority in terms of implementation and, as such, should be retained in the Built-Up Area Boundary in case it is needed during the current plan period.
3. Proposal SUA.X should be treated differently because it is brownfield in nature and recent development has changed the character of the area.

Officers' Response to Matters Raised

1/2/3. If there is a justification for releasing any of the Strategic Reserve Sites for development during the plan period, the issue of the Built-Up Area Boundary definition would not be an overriding consideration. Should any of the sites be released for development, the Built-Up Area Boundary will, in effect, be applied to reflect this situation. It is inappropriate to include any one of the Strategic Reserve Sites within the BUAB until it is either allocated or committed for development.

Analysis of Representations

Recommended Action

Confirm modification.

Topic FM.15 Proposal SHIP.A - London Road, Shipston-on-Stour - public open space allocation

Summary of Matters Raised in Representations

No objections submitted.

Officers' Response to Matters Raised

No response required.

Recommended Action

Confirm modification.

Topic FM.16 Proposal WELL.AA - River Dene, Wellesbourne - public open space allocation

Summary of Matters Raised in Representations

No objections submitted.

Officers' Response to Matters Raised

No response required.

Recommended Action

Confirm modification.

Topic FM.17 Proposal HEN.D - High Street, Henley-in-Arden - industrial allocation

Summary of Matters Raised in Representations

1. The B1 business element of the proposed mixed uses on site should be limited to B1 b) Research, and B1 c) Light industry.

Officers' Response to Matters Raised

1. The Inquiry Inspector did not consider it necessary to limit the use within the B1 class to prevent office use. The further modification was to clarify rather than change the meaning of the policy.

Recommended Action

Confirm modification

Topic FM.18 Policy CTY.2A - Rural buildings - residential conversion

Summary of Matters Raised in Representations

No objections submitted.

Officers' Response to Matters Raised

No response required.

Recommended Action

Confirm modification.

Analysis of Representations

Topic FM.19 Policy CTY.12 - Golf courses

Summary of Matters Raised in Representations

No objections submitted.

Officers' Response to Matters Raised

No response required.

Recommended Action

Confirm modification.

Topic FM.20 Policy CTY.20 - Harbury Cement Works, Bishops Itchington

Summary of Matters Raised in Representations

1. Development of the site is not only supported by Policy GD 7 of WASP but also by the sustainability principles of national guidance and the Regional Spatial Strategy for the West Midlands.

2. Do not agree that there is over supply of housing and employment land in the District.

3. Principles of sustainable development should be emphasised in the supporting text of the policy rather than matters of opinion which could change over the plan period.

4. The following changes should be made to the text:

- The expression 'active use' used in the supporting text should be deleted.
- The words 'together with sidings' in line 5 should be deleted.
- The wording 'it is the proximity of the railway that is the main positive and unique feature of the site' in lines 7 - 9 is incorrect and should be deleted and replaced with 'the site's uniqueness comes from the combination of its history, its landscape and ecology, the mix of leisure uses and employment uses lawful on the site, the relationship of the site to Bishops Itchington itself and the possibility of a rail connection'
- The words 'identified through the provisions of Policy COM.1' in line 10 should be deleted.
- The word 'active' in line 10 should be deleted.

5. Development should not infringe upon footpath SM197 which crosses railway line when walking out of Bishops Itchington in a north easterly direction..

Officers' Response to Matters Raised

The Council believes that the debate about the policy context for the development of the site was comprehensively covered at the Local Plan Inquiry. It does not therefore intend to repeat that.

The Council believes that the Policy and its explanatory text are in line with the recommendations and conclusions of the Inspector. Indeed, the wording which the objector is asking to be deleted been drawn directly from the Inspector's own conclusions. The Inspector was very clear to rule out residential development of the site except that to meet local need in accordance with the provisions of Policy COM.1 (paragraphs 1227 - 1228 and 1234 - 1235 of the Inspectors Report). The Inspector also thought that employment use with a railway connection would have beneficial strategic implications and would comply with Policy GD.7. He also stated that General Industrial use of the site could accord with Policy COM.1 depending on its precise scale and nature (para 1229). The Inspector in both cases stressed the relevance of Policy COM.1 to the provision of housing and general industrial development on the site. Even without the Inspector saying so, Policy COM.1 provides the framework to determine proposals which are identified to meet local need. It is

Analysis of Representations

therefore proper for the Council to emphasise the importance of this policy in this context and it believes that it should be retained.

More importantly, the Inspector stresses in his report that 'although there were once sidings within the site these have been removed. I would expect their reinstatement and active use as part of an employment use to be wholly consistent with the general aims of WASP and the Local Plan. The expression 'active use' is therefore in line with the Inspector's conclusions and the Council does not accept that it is too restrictive.

The relationship between the reinstatement of the railway line and the redevelopment of the site is well emphasised by the Inspector in para. 1246 of his report where he states '...Bearing in mind that it is the proximity of the railway that is the main positive feature of the site it will be necessary to pay special attention to this matter. Indeed if it were to be found that neither a freight nor a passenger facility were feasible then the scale of development appropriate here would be likely to be very significantly smaller, or even that no development at all would be appropriate at the present time. This point could be usefully made in the explanatory text'. It is therefore justified to emphasise the unique relationship between the redevelopment of the site and the reinstatement of the railway.

Policies STR.2 and STR.3 deal with new housing provision and new employment provisions respectively. These two policies were comprehensively debated at the Local Plan Inquiry. The Inspector was satisfied that more than sufficient land to satisfy the requirements of WASP has been committed or identified. The Council have also demonstrated that there is a potential over supply of housing in the District against the strategic requirements set out in the Regional Spatial Strategy. If the objector has any objection to this, that should have been dealt with under Policy STR.2 of this report.

A comment has been received about the need to take account of the footpath across the land. This was not raised as an objection to the further modification, but the comment will be taken into account in the Masterplan preparation process which is presently on-going.

Recommended Action

Confirm modification.

APPENDIX B
Stratford-on-Avon District Local Plan Review 1996-2011
Proposed Further Modifications – 9 March to 20 April 2006

Duly Made Representations
(Excluding Unconditionally Withdrawn Objections)

Topic Order

Ref No	Source	Type	Ref No	Source	Type
<u>Further Modification FM.1 - Section 1.2 - Context</u>					
1622/FMA	Gallagher Estates and Pettifer Estates	Object	1659/FMB	Gwendoline B. Harris	Object
<u>Further Modification FM.2 - Policy STR.2 - New housing provision</u>					
191/FMA	Councillor Peter Moorse	Object	1664/FMB	Mrs Patricia Wade	Object
1200/FMA	George Wimpey Strategic Land	Object	1665/FMB	James E. Philpotts	Object
1220/FMA	Miller Homes	Object	293/FMD	Bidford Appraisal Group	Support
1401/FMA	Alan Marks	Object	1246/FMB	West Midlands RSL Planning Consortium	Support
1402/FMA	Mrs V B Lageard	Object	<u>Further Modification FM.13 - Proposal SUA.I - Cattle Market, Alcester Road, Stratford-upon-Avon - mixed use allocation</u>		
1405/FMA	Mr P C Webb	Object	1023/FMA	Vintage Trains/Birmingham Railway Museum	Comment
1407/FMA	Paul R Stanton	Object	<u>Further Modification FM.14 - Proposal SUA.W - West of Shottery, Stratford-upon-Avon, Proposal SUA.X - Egg Packing Station, Bishopton, Stratford-upon-Avon, Proposal SUA.Y - South of Kipling Road, Stratford-upon-Avon</u>		
1415/FMA	Ann Draycott	Object	127/FMA	F.J. Power	Comment
1416/FMA	Shottery Village Association	Object	1200/FMB	George Wimpey Strategic Land	Object
1421/FMA	Christopher Toney	Object	1203/FMA	Hallam Land Management Limited	Object
1457/FMA	Pauline Humphrey	Object	1441/FMA	Frank Holmes	Object
1458/FMA	Graham Humphrey	Object	1621/FMB	Taylor Woodrow Developments Ltd	Object
1465/FMA	Brian Vernon Ash	Object	1622/FMC	Gallagher Estates and Pettifer Estates	Object
1466/FMA	Dulcie Veltris Momcilovic	Object	1662/FMA	Andrew Bruce	Object
1471/FMA	Nicholas A B Carr	Object	804/FMA	Mr and Mrs I.P. Holloway	Support
1474/FMA	Malcolm J Wilkes	Object	1667/FMA	Mr and Mrs A.D. Bishton	Support
1484/FMA	Residents Against Shottery Expansion (RASE)	Object	<u>Further Modification FM.17 - Proposal HEN.D - High Street, Henley-in-Arden - industrial allocation</u>		
1485/FMA	Barbara Reece	Object	895/FMA	Frederick J. Yarwood	Object
1490/FMA	Susan Marks	Object	1143/FMA	Beaundesert and Henley-in-Arden Joint Parish Council	Object
1495/FMA	Mr Leslie Reece	Object	1550/FMA	Revelan Group	Support
1498/FMA	Sarah Webster	Object	<u>Further Modification FM.20 - Policy CTY.20 - Harbury Cement Works, Bishops Itchington</u>		
1500/FMA	Martyn & Sandra Luscombe	Object	1666/FMA	Southam Group Ramblers Association	Comment
1502/FMA	Judith Felton	Object	1182/FMA	Follett Property Holdings Ltd	Object
1508/FMA	Mrs J Charles	Object			
1509/FMA	Gordon Brace	Object			
1510/FMA	Mrs Anthea Brace	Object			
1511/FMA	Earle Webster	Object			
1617/FMA	Christine M Wilkes	Object			
1621/FMA	Taylor Woodrow Developments Ltd	Object			
1622/FMB	Gallagher Estates and Pettifer Estates	Object			
1655/FMA	Lionel Lincoln-Lewis	Object			
1656/FMA	John V.V. Lewis	Object			
1657/FMA	Rosemary Ann Lewis	Object			
1658/FMA	Gwendoline Gail Faulhaber	Object			
1659/FMA	Gwendoline B. Harris	Object			
1660/FMA	David Herdman	Object			
1664/FMA	Mrs Patricia Wade	Object			
1665/FMA	James E. Philpotts	Object			
1246/FMA	West Midlands RSL Planning Consortium	Support			
1633/FMA	Helical (Liphook) Ltd	Support			
<u>Further Modification FM.3 - Policy PR.7 - Flood defence</u>					
1030/FMA	Long Marston Appraisal Flood Team	Object			
1128/FMA	Thames Water	Object			
293/FMA	Bidford Appraisal Group	Support			
<u>Further Modification FM.4 - Policy PR.10/1 - Safeguarded land - Studley Bypass</u>					
1663/FMA	William P. McCarthy	Object			
<u>Further Modification FM.5 - Policy EF.7 - Nature conservation and geology</u>					
1115/FMA	English Nature	Support			
<u>Further Modification FM.6 - Policy EF.7A - Protected wildlife species</u>					
293/FMB	Bidford Appraisal Group	Support			
1115/FMB	English Nature	Support			
<u>Further Modification FM.9 - Policy COM.1 - Local choice</u>					
1661/FMA	A R Cartwright Ltd	Object			
293/FMC	Bidford Appraisal Group	Support			
<u>Further Modification FM.12 - Policy COM.13 - Affordable housing</u>					
191/FMB	Councillor Peter Moorse	Object			
1402/FMB	Mrs V B Lageard	Object			
1405/FMB	Mr P C Webb	Object			
1465/FMB	Brian Vernon Ash	Object			
1466/FMB	Dulcie Veltris Momcilovic	Object			
1485/FMB	Barbara Reece	Object			
1495/FMB	Mr Leslie Reece	Object			
1502/FMB	Judith Felton	Object			
1509/FMB	Gordon Brace	Object			
1510/FMB	Mrs Anthea Brace	Object			
1655/FMB	Lionel Lincoln-Lewis	Object			
1658/FMB	Gwendoline Gail Faulhaber	Object			