

## Stratford-on-Avon Neighbourhood Development Plan

### Targeted Consultation Responses: By Contributor

Rep. No.	Policy/Topic	Representation
TC1	Policy H1	<p>The Alveston Villagers' Association (the "AVA") put forward proposals for a BUAB after consultation with the village as a whole. The AVA was extensively consulted by the QB in defining the BUAB for Alveston. The AVA has made a further representation in Reg. 16 consultation response SNP52 (submitted by Jane Dodge on behalf of the AVA) and it is the position of the AVA that the BUAB should be as shown in the Submission Version of the NDP subject to the modification set out in response SNP52.</p> <p>Please note that the AVA is objecting to further development in the grounds of Kissing Tree House (three units recently approved) so it would have no objection to removing "The Manor House to the Southern edge of the village and its entire curtilage" as suggested by SDC in consultation response SNP72.</p>
TC2	General	<p>Thank you for your email. Having review the details and attached letter the Trust have no further comments to make from our original response dated 7th July 2017.</p>
TC3	Policy H1	<p>Paragraph 184 of the National Planning Policy Framework (the Framework) states that Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.</p> <p>The wording of NDP Policy H1 is more restrictive than corresponding strategic policies in the Development Plan (the Stratford-on-Avon District Core Strategy 2011-2031). Core Strategy Policy CS.15 'Distribution of Development' directs development to land and property within the BUABs but, in contrast to Policy H1, does not seek to strictly control and limit new dwellings outside of the BUABs to a small number of specifically defined types of development. Core Strategy Policy AS.10 'Countryside and Villages' (which applies to all parts of the District apart from those which lie within the BUABs defined for Stratford-upon-Avon and the Main Rural Centres) specifies forms of development that are acceptable. In addition, Policy AS.10 permits other types of developments, provided they are fully justified, offer significant benefits to the local area and are not contrary to the overall development strategy for the District. Policy AS.10 does not seek to strictly control or limit new dwellings in the way proposed by NDP Policy H1.</p>

		<p>Policy H1 as currently worded would be unduly restrictive and prevent potentially sustainable development such as, for example, development adjacent to but outside the BUABs. Core Strategy Policies CS.15 and AS.10 are strategic policies. Proposed Policy H1 is clearly more restrictive than Policies CS.15 and AS.10 and would therefore undermine the Development Plan.</p> <p>The QB defends the choice of words for Policy H1 by referencing similarly worded policies in two other adopted NDPs. This is no justification at all, and only serves to compound a previous error that was not identified at the time.</p> <p>The QB defends the proposed BUAB for Alveston by a simple statement that the proposed BUABs were subject to significant public consultation with residents. On its own this is no justification for how a BUAB is drawn. It is understood the consultation was with local residents. Local residents that respond are likely to fall into one of two camps, either those wishing to promote development on their land or those wishing to restrict development to preserve their outlook or amenity. The drawing of a BUAB requires considerably more objective technical input and justification than reliance on public views. See my letter of 22 June 2017 which explains why the Alveston BUAB as drawn is inconsistent with Council guidance and established practice.</p>
TC4	Policy H1	<p>The BUAB for the village of Alveston was arrived at through careful and extensive consultation with the whole village and refined and adapted over a considerable time, reflecting a level of input which gave the Villagers several opportunities to contribute.</p> <p>The current proposals before you, submitted by the AVA, reflect that consultation and it seems invidious that Stratford District Council should, at this late stage and without any supporting plans or evidence, seek to arbitrarily alter those proposals, which allow a degree of future flexibility to a village.</p> <p>Alveston is the most severely constrained LSV4 in the District with the River and its Floodplain restricting the Northern boundary, numerous Listed Heritage Assets and an extensive Conservation Area.</p> <p>In that light I would ask you to resist amendment and support the consulted BUAB.</p>



	<p>Figure 2</p> <p>Policy H2</p> <p>Policy H4</p> <p>Policy BE9</p>	<p>unsubstantiated with no justifiable evidence provided as to why this level of bungalows is required on every development of 20 or more homes with the NDP area.</p> <p>Both the Land off Oak Road, Tiddington and the Home Guard site to the north need to be shown as existing commitments on Figure 2 as per Figure 16 of the NDP. Both these sites are existing commitments with outline planning consent. Figure 2 does not properly reflect the status of both these sites and therefore needs to be updated.</p> <p>The land covered by the proposed Strategic Gap in Policy H2 of the NDP is not covered by any special designations within the adopted Core Strategy. The QB in their further letter of response, in the section responding to Gladman Developments, state that the NDP is entitled to take a different or more restrictive approach to non-strategic issues. A Strategic Gap, by name and by nature, is strategic as it seeks to restrict development across a particular swathe of land which would inevitably have implications upon the distribution and delivery of housing across the wider District. Given its strategic nature the QB cannot claim it to be non-strategic policy and thereby qualify that the NDP can take a more different or restrictive approach than the Local Plan. This is therefore a policy that the NDP should not concern itself with. In any case Policy CS15 of the Core Strategy sets out requirements for assessing new developments, with one criterion of assessment being whether the development would result in the identify and/or integrity of the settlement being undermined as a result of the reduction in the gap with an adjacent settlement. The Core Strategy already allows for such an assessment to be made on a case by case basis and therefore the additional protection of the land through the proposed NDP Strategic Gap is needless and only adds further stringency to development.</p> <p>Gallagher Estates do not take issue with the wording of Policy H4 itself but with the explanatory wording of paragraph 5.21, which clearly states that Policy H4 is designed to encourage and promote the use of brownfield land in preference to greenfield land. It is this wording that is inconsistent with the NPPF and should be changed accordingly.</p> <p>With regards to the QB comments on Policy BE9, it is important to clarify that Gallagher Estates do not take specific issue with the content of these documents. Rather it is the appliance of substantial weight that the NDP intends to give to Supplementary Guidance, as set out in the wording of paragraph 8.39, that Gallagher Estates take issue with. Consideration should be given to adopted Supplementary Guidance, but attaching substantial</p>
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	Policy CLW4	<p>weight to such guidance is at odds with the NPPF.</p> <p>The comments relating to Policy CLW4 contained with Gallagher Estates previous representation are reiterated insofar that Policy CLW4 of the NDP places an undue burden on developers which does not accord with the provisions of Core Strategy Policy CS25 or the NPPF which requires policies to be based on robust and up to date assessments of the need for open space, sport and recreation in the local area.</p>
	Policy SSB3	<p>Gallagher Estates maintains their support for the general thrust of Policy SSB3 of the NDP. However, as currently drafted Policy SSB3 requires that the southern portion of the site (Tiddington Fields) is allocated for community orchards, woodland and open space which will be retained as such in perpetuity for the benefit of the village. It is important to note that this proposed open space allocation was not included within the Pre-Submission NDP. Gallagher Estates wishes to reiterate their objection to this proposed open space allocation on the southern part of Tiddington Fields. The southern part is in private ownership and is controlled by Gallagher Estates. The landowner has no intention of permitting the land to be used as public open space. The southern site would be a logical extension of the Phase 1 approval if and when future needs require it to be released. Gallagher Estates are promoting this land through the District Council's emerging Site Allocations Plan for residential development of up to 60 dwellings with open space and access off Phase 1. It is important to highlight that the emerging proposals for the site would include areas of public open space.</p> <p>There is a conflict between the outline planning approval for Land off Oak Road, Tiddington and criteria (d) of NDP Policy SSB3. Despite the comments of the QB that the parameters set out are for illustrative purposes only, if that is the case the current wording of part (d) is too prescriptive and should be revised to state that the predominant building height should be 2 storeys with occasional 2.5 storeys.</p> <p>The clear intent of national guidance is that emerging Local Plans and Neighbourhood Plans would have a synergy and be mutually compatible of strategic planning issues. Gallagher Estates considers that this is not being achieved with the Submission NDP and a fundamental redraft of a number of the policies, as set out in previous representations made by Gallagher Estates, is required in order for the NDP to progress successfully.</p>
	General	<p>Notably Gallagher Estates objects to the proposed allocation of the southern parcel of Tiddington Fields as open space. The site is privately owned land and there is no intention for the site to come forward as public open</p>





	Policy CLW3	<p>The Qualifying Body's response appears to suggest that other Examiner's conclusions is not relevant and does not set a precedent. This appears to be quite contradictory to the statement made to the District Council in response to Policy H1 which states "This is clearly inconsistent with the views of other independent examiners" and reference to Local Green Space (LGS) allocated through the Bidford-on-Avon Neighbourhood Plan.</p> <p>Whilst Stratford-upon-Avon is the largest settlement in district, it is one of the most sustainable locations for future growth and the designation of Local Green Space would appear to be a backdoor means of introducing extensive tracts of land as new areas which would have the same level of protection as Green Belt (noting that NPPF §76 establishes a test of 'very special circumstances' for Local Green Space).</p> <p>Gladman submit that the examples provided in our earlier submissions remain material considerations where sites previously promoted as LGS have been deleted from NDPs. It should be noted that a number of these sites are significantly smaller in scale than those sites currently being promoted through the SANP.</p>
TC7	General	<p>Thanks for your email.</p> <p>I have reviewed the document you attached and confirm that my comments still suffice and I have no further representations on the matters raised in the letter.</p> <p>Is the referendum for the NDP still planned to take place in Summer 2018?</p>
TC8	General	I can confirm that we do not wish to comment further and our previous Regulation 16 comments still stand.
TC9	General	IM Properties own the land to the south of Alcester Road, Stratford-upon-Avon (hereafter referred to as "the site"), which is allocated through Proposal SUA.2 of the adopted Stratford-on-Avon Core Strategy (July 2016) and is an emerging neighbourhood allocation at Policy SSB2 in the NP Submission Version. IM Properties are committed to fulfilling the fundamental requirements of Proposal SUA.2, to deliver new offices and provide employment space for businesses relocating from the Canal Quarter, and delivering the associated economic benefits the development will support.

We have previously engaged with the NP on behalf of IM Properties during the formal consultation period on the Submission Version in June 2017.

### **Background**

Proposal SUA.2 of the adopted Core Strategy allocates the site for the following:

*“Employment uses:*

- (i) Class B1(a) office and Class B1(b) research and development uses, although scope for B1(c) light industry uses will be considered;*
- (ii) Relocation of businesses from the Canal Quarter Regeneration Zone.*

*During the plan period up to 10 hectares will be released, plus additional land to correspond with the area taken up by businesses relocating from the Regeneration Zone.*

*Housing – approximately 65 dwellings on land to the east of the Western Relief Road [land outside IM Properties’ ownership]”*

The proposal also sets out a number of specific requirements including vehicle access to the site directly off the Wildmoor Roundabout or the proposed Western Relief Road.

IM Properties submitted a hybrid planning application (Ref: 17/03629/OUT) in December 2017 for a mixed use business park comprising offices (B1a), research and development (B1b), light industry (B1c), general industrial (B2), storage and distribution (B8), car showrooms (sui generis) and bulky goods store (A1) and café / amenity facilities (A1/A3), all of which to be facilitated by the provision of a new roundabout access from the A46.

The proposals set out in the hybrid application were informed by a detailed engagement and consultation

	SSB2	<p>process with the local planning authority, Stratford-upon-Avon Town Council, the local community and key stakeholders. The application is currently pending consideration with the statutory consultation period closing on 17 January 2018 and a target determination deadline of 5 March 2018.</p> <p>These representations respond to the letter from the Qualifying Body (i.e. the Town Council) dated 23 November 2017, which comments on a number of consultation responses following the Regulation 16 Submission Consultation carried out by Stratford-on-Avon District Council in June 2017. This includes representations made by IM Properties (Comment Ref: SNP30), which the Qualifying Body has responded to as set out below:</p> <p><i>“Proposal SSB2 – the QB is concerned that a more flexible approach to the mix of uses on this site could undermine the delivery of the Canal Quarter Regeneration Zone. The relocation of existing businesses in this zone is dependent on them going to SSB2 so adequate provision for them must be made. If those businesses do not relocate then the Canal Quarter Regeneration Zone will not be achievable or deliverable which could undermine the whole Strategy in the Core Strategy”</i></p> <p>We explore the reasons for a more flexible approach to the mix of uses below:</p> <p><b>The Core Strategy Examination in Public</b></p> <p>The Independent Examiner should note that IM Properties appeared at the reconvened Examination in Public Hearing Session in January 2016 to highlight concerns with Proposal SUA.2 as worded in the Core Strategy Submission Version. IM Properties set out at the time that the draft wording was too restrictive to enable the successful delivery of the vision and strategic economic objectives of the Core Strategy on the consideration that there was insufficient flexibility to respond or adapt to change in market conditions. Despite the written and verbal representations made by IM Properties at the reconvened Examination in Public, Proposal SUA.2 was not appropriately modified.</p> <p>Following adoption of the Core Strategy, and through more detailed pre-application discussions with Stratford-on-Avon District Council it is clear that relaxation of certain provisions contained within Proposal SUA.2 are required to ensure that the site can be delivered. This included work to confirm site-wide upfront infrastructure</p>
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costs and further discussions with Stratford-on-Avon District Council regarding market demand for office premises in the District.

**Infrastructure requirements and costs**

The site wide up-front infrastructure required to provide an ‘oven ready’ site for prospective occupiers includes the provision of a new point of vehicular access off the A46, an internal spine road, utilities and power connections / upgrades, earthworks to achieve a levelled sites and necessary drainage and landscape works. There is also an existing high pressure water main crossing the site from north to south, which will need to be diverted in order to accommodate a levelled site.

The aforementioned infrastructure works are interrelated and it is important all infrastructure works are undertaken early on during the delivery phase to provide much greater confidence and certainty to the market, particularly prospective occupiers.

A detailed costing exercise has been undertaken by IM Properties which confirms that the costs for the upfront infrastructure are substantial and that the ability for the proposed development to be developed viably is significantly threatened.

**Office demand**

There is limited market demand for office floorspace in the District. This is supported by evidence produced by Colliers International confirming the total take up (both take up of new space and ‘churn’) amounted to 259,594 sq ft (24, 117 sq m) during the period 2004 to 2016, which equates to a total annual take up of 21,632 sq ft (2,010 sq m), including both new space and ‘churn’.

The above take up rates strongly indicate that the strength of interest for B1 uses at the scale envisaged by Proposal SUA.2 is grossly over estimated and is insufficient to underpin significant investment and a competitive return to IM Properties.

The Independent Examiner should note that whilst Proposal SUA.2 states that “up to 10 hectares will be released” for B1a/b uses, the explanatory text at paragraph 6.1.26 of the Core Strategy clarifies that the B1 allocation is between 5 and 10 hectares. When considering the historical take up of B1 floorspace, even the lower provision of 5 hectares would provide a significant pipeline for new build floorspace.

The Illustrative Masterplan submitted with the hybrid planning application proposes a total of 140,000 sq ft of offices. Based on a very optimistic view of 10,816 sq.ft of new take up per year this could provide approximately 13 years supply.

It should be noted that as part of the pre-application discussions, Stratford-on-Avon District Council appointed independent viability advisors to assess the viability of Proposal SUA.2. The viability appraisal tested the floorspace requirements as set out in Proposal SUA.2 and concluded the employment mix as adopted in the Core Strategy is unviable. This confirms the need for flexibility within the policy, in order to ensure that the site and associated benefits can be delivered, and the strategy for the Canal Quarter Regeneration Zone realised.

#### **The emerging Stratford-on-Avon Site Allocations Plan**

Stratford-on-Avon District Council is currently progressing work on a Site Allocations Plan (“SAP”) to allocate land for development in line with the overarching Core Strategy. The recently published Local Development Scheme (October 2017) sets out that the Scoping Paper was due to be published for formal public consultation in November / December 2017; however it is now understood this will be January 2018 with a target adoption date of April 2019.

It is recognised that the SAP is still at an early stage of preparation and has not yet been subject to public consultation – and therefore carries minimal weight at this point in time; however, it should be considered a material consideration.

With this in mind, the Independent Examiner should be aware that IM Properties are currently liaising with Stratford-on-Avon District Council during the evidence gathering phase of the emerging SAP. It is understood that the SAP has an additional purpose to amend provisions contained within Proposal SUA.2, in order to take into

account changes in circumstances since the adoption of the Core Strategy including the demand for office floorspace in the District and the need for flexibility within the policy.

**The pending hybrid planning application (17/03629/OUT)**

The application is currently pending consideration with the statutory consultation period closing on 17 January 2018 and a target determination deadline of 5 March 2018.

The Stratford Town Council Planning Consultative Committee met on 19 December 2017 to consider the proposed development at land south of Alcester Road and voted unanimously in favour of supporting the hybrid application.

Subsequent to the meeting, the Town Council published a formal response to the application, which supported the principle of development, but set out a concern regarding insufficient floorspace to accommodate businesses relocating from the Canal Quarter.

IM Properties would like to take this opportunity to confirm that there is ample opportunity for existing businesses in the Canal Quarter to be able to relocate to the site.

The Independent Examiner should note that a Canal Quarter SPD Noise Analysis Technical Work was recently presented to Cabinet on 27 November 2017 and IM Properties understand the preparation of the Canal Quarter Regeneration Zone SPD is on-going. Paragraph 1.2 of the report to Cabinet sets out:

*“The Canal Quarter site includes land parcels in different land ownerships, including Stratford-on-Avon District Council. Many of these land parcels are occupied by commercial tenants including manufacturing, offices, distribution as well as car sales and repairs. These occupiers will need to be relocated as part of the regeneration programme. However, some occupiers may wish to remain and their existing operations will therefore need to be accommodated in the redevelopment proposals.”*

The Cabinet Report does not provide any indication on which businesses wish to relocate to either Proposal SUA.2 or Proposal SUA.3 Atherstone Airfield; however it is understood that the Council is engaging with existing

businesses to better understand their current and future requirements through the emerging SPD.

Concurrently, IM Properties have been undertaking direct discussions with Canal Quarter businesses to establish the quantum of development required to accommodate likely business relocations. Despite the discussions being informative, it is clear that the overall quantum of development required to accommodate relocations is significantly less than the 13 hectares (gross) set out in Proposal SUA.2.

In spite of this, the proposals continue to make a provision for relocations from the Canal Quarter and IM Properties is committed to restricting a proportion of the development site for such use for a set period of time. This will be controlled within a Section 106 Agreement attached to any grant of planning permission.

The Illustrative Masterplan submitted with the hybrid planning application for the site still shows an allowance for over 9.5 hectares (nett) for B1 / B2 / B8 development, which can accommodate businesses relocating from the Canal Quarter.

### **Conclusion**

Since the adoption of the Core Strategy in July 2016 and throughout the pre-application stage to the recently submitted hybrid application (Ref: 17/03629/OUT), IM Properties has assessed the feasibility and viability of Proposal SUA.2, particularly in terms of the mix and quantum of uses set out in Proposal SUA.2 and the relocation of businesses from the Canal Quarter Regeneration Zone.

These assessments have resulted in the submission of an application which seeks a relaxation of the provisions contained with Proposal SUA.2 and more flexible approach to the composition of uses. This is in order to support the delivery of development and to realise the vision and strategic economic objectives of the adopted Core Strategy.

As set out in paragraph 21 of the NPPF, policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances. In addition, paragraph 173 of the NPPF, makes it clear that when pursuing sustainable development careful attention should be made to

		<p>viability and costs in plan-making and decision-taking.</p> <p>IM Properties consider that this approach needs to be reflected in the Stratford-upon-Avon Neighbourhood Plan, which given the feasibility and viability context to Proposal SUA.2, and the Town Council's overall support of the pending hybrid application, the NP should be flexible and not seek to impose further obligations and policy burdens.</p> <p>We trust that the information provided within these representations sets out clearly the justification for a more flexible approach to Proposal SSB2 in the NP.</p>
TC10	General	Just confirming that I have no further comments to make on this subject.
TC11	General	We have no further comments in relation to Stratford-upon-Avon Neighbourhood Development Plan further consultation.
TC12	General	<p>The Stratford Greenway Group (SGG) promotes awareness of the health, social and environmental benefits arising from the Stratford-upon-Avon to Long Marston Greenway and Summerton Way, its associated green corridor within Stratford town.</p> <p>We have recently published a new website at <a href="http://stratfordgreenwaygroup.co.uk">http://stratfordgreenwaygroup.co.uk</a> which discusses our concerns at the possible re-instatement of the Stratford-upon-Avon to Honeybourne rail link. The Home page outlines the reasons for our campaign and provides links into other pages in the website for further details if required.</p> <p>You can contact us via email at <a href="mailto:info@stratfordgreenwaygroup.co.uk">info@stratfordgreenwaygroup.co.uk</a></p>
TC13	General	I refer to your E mail and consultation. Our comments contained in our response date 3rd July 2017 still stand. We support the questions contained in the Qualifying Body (QB) letter. We have no further comments to the questions raised by the QB.
TC14	Policy H4	When drainage strategies look at attenuation and discharge rates, all sites should aim to achieve greenfield rates; this is inclusive of development being built on brownfield land. The LLFA supports plans to develop on brownfield land as opposed to greenfield. In accordance with BS 8582:2013 Code of Practice (Surface Water Management

	<p>Section 8.0</p> <p>Policy BE3</p> <p>Policy BE6</p>	<p>for Development Sites), surface water run-off from all previously developed sites should be reduced to the equivalent greenfield run-off rate wherever possible.</p> <p>This section focusses heavily on the design standards to new dwellings and commercial properties. We would suggest that if you wish to add a comment in relation to the use of SuDs on these sites that they too, need to be designed and built to set standards.</p> <p>For all new developments, the LLFA requires the use of above ground SUDs designed in accordance with CIRIA 753 SUDs manual, providing attenuation to greenfield runoff rates. The requirements set out in the following documents should also be adhered to in all cases:</p> <ul style="list-style-type: none"> <li>• The National Planning Policy Framework</li> <li>• Paragraphs 030 - 032 of the Planning Practice Guidance (PPG)</li> <li>• Defra’s Non-statutory technical standards for sustainable drainage systems</li> <li>• WCC Flood Risk and Drainage Planning Advice</li> </ul> <p>“The master planning process must demonstrate consideration of means to ameliorate the additional demand that the development would place on the highway system, through a Transport Assessment<sup>15</sup>, and on services such as schools and medical facilities, as well as the need to provide public open space, fibre optic broadband and environmental improvements through an Infrastructure Plan.”</p> <p>This paragraph needs an additional sentence to inform future developers, that there is a definite need to consider flood risk and drainage strategy on all major sites, as well as the incorporation and maintenance of sustainable drainage features. We would encourage that flood risk and drainage is still considered even for minor development sites.</p> <p>“All new development should demonstrate that it has taken account of best practices to achieve high levels of sustainability and safety. Appropriate measures to deal with climate change should be demonstrated together with the use of sustainable drainage systems.”</p> <p>The National Planning Policy Framework suggests a neighbourhood plan should consider the issues from climate</p>
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	<p>Policy CLW3</p> <p>Sites SSB1 and SSB2</p> <p>Appendix 1</p>	<p>developments to utilise SuDS to achieve the multi-functional benefits of good SuDs design. This policy should include a requirement for all sites to attenuate to greenfield Qbar rates and include that 5 l/s is NOT the minimum possible discharge rate achievable, and restricting flows to less than 5 l/s is viable.</p> <p>Referring to the SUDS discharge hierarchy would be of benefit, with the preferred choice of infiltration or water discharged into an existing watercourse being the first options, before connecting to a sewer. Any new developments should be designed and built with separate systems up to the point of where they connect to the combined sewer, in line with building regulations.</p> <p>There is mention to preserving the River Avon green corridor, you could also include a principle that encourages new developments to open up any existing culverts on a site providing open space, and the creation of new culverts should be kept to a minimum.</p> <p>There is a risk of surface water flooding at sites SSB1 and SSB2. Careful consideration of how this risk is ideally reduced through development will be required in consultation with LLFA. Pre-application advice should be sought.</p> <p>No inclusion of Flood Alleviation or Drainage schemes within the CIL funded projects. There have been at least 17 reports of flooding to the county since 1998 and we suspect multiple more as a result of flooding from the watercourses through the area.</p>
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