

Tysoe Neighbourhood Development Plan

Pre-Submission Neighbourhood Plan Regulation 14 Consultation (Neighbourhood Planning (General) Regulations, 2012

Appendix 1 - Comments from Stratford-on-Avon District Council

Suggested new text underlined deleted text ~~struckthrough~~

Page no and para	Section	Comment
general		Paragraph numbering is rather convoluted and could be simplified.
p.5 – para 1.1.01		There is no need to refer to the Parish Plan. On 10th February 2014, with official approval <u>of the area to be designated</u> from The District Council...
p.7 – para 2.0.0.2	'No formal targets have been set but each village has been asked to determine what level of new housing is appropriate and sustainable for itself.'	Suggest deleting "and that each of those LSVs may yield up to 12% of the total" and replacing it with "of which no more than around 12% should be provided in any individual settlement, which equates to approximately 84 dwellings". SDC is unsure where this statement has come from. The Core Strategy has already established that Tysoe is a sustainable location for the scale of housing development identified in Policy CS.16 for a Category 2 LSV. In fact the dwelling numbers identified in subsequent paragraphs does not achieve the indicative figure of 84 dwellings set by Policy CS.16, ie. 20+25+18=63. Suggest amending the sentence to read "No formal housing targets have been set in the Core Strategy..."
p.7 – para 2.0.0.6		"(BUAB, a boundary around the built form outside of which development will not generally be supported)". Some development outside the boundary may be supported such as a rural exception site? Suggest replacing "this should only happen if the housing numbers anticipated in this Plan were to come under pressure from the District Council" with "these reserve sites will only be released in the circumstances set out in Policy CS.16D of the Stratford-on-Avon District Core Strategy 2011-2031."
p.8 – para 2.0.0.8	bullet point 5	According to the EA flood risk map, there are no 'high risk' areas for flooding within the village from rivers and other water bodies. Is the flooding specifically from surface water run-off? If so, it would be useful to make this clear.
p.8 – para 2.0.0.14		Should the para state "...setting of the Cotswolds Area of Outstanding Natural Beauty..."?

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p.9 – para 3.1.0.1		Should the final sentence state "...subject to surface water flooding" [i.e. not from a river source – see comment on para 2.0.0.8].
p.10 – Map 2		Is this accurate? Has this information come from a reliable source [i.e. Warwickshire County Council]?
p.11 – Map 3		Same issue as Map 2 – where has this information come from and is it accurate?
p.15 – para 3.2.0.2		consider replacing "wildlife" with "natural environment and biodiversity"; replace "and" with a comma after "(Map 6, page 17)"
p.19 – para 3.3.1.2		What is meant by the final sentence which states that 11 dwellings in Lower Tysoe "may help if the housing numbers in the Core Strategy were to come under pressure". That level of housing would not make much difference in 5 year housing supply calculations...
p.19 para 3.3.2.1		Are 45 year olds considered part of the aging population? A significant number of 45 year olds tend to be part of a family, with kids, so their houses would not be under - occupied. The age profile would appear to need to be reassessed.
p.23 para 4.1.0.1		SDC generally comfortable with the justification for including Lower Tysoe within the BUAB for Tysoe, although as set out below notes that the BUAB needs to be drawn consistently. "Safeguards will be put in place to ensure that openness of this Strategic Gap is preserved in order to prevent coalescence between the settlements and to protect the distinct and individual character of each settlement" This appears to be using Green Belt terminology for the Strategic gap whereas it will remain as 'open countryside'. Protections are already in place in the Core Strategy and cross reference should be made to Core Strategy Policy AS.10 here.
p.23 – para 4.1.0.3		It is not strictly accurate to state that the proposed BUAB for Lower Tysoe has been drawn "in order to restrict any significant development beyond the allocated sites". The purpose of the BUAB is to define the built-up area of the village and establish where development is acceptable in principle. It doesn't fit with the objective of 'positive planning'. Additionally, stating that opportunities "...may be limited and may not come forward at all" is likely to be unsuitable, for the same reason. Suggest an alternative final sentence could be IN addition to the allocated sites, opportunities for new development within the built-up area boundaries will be limited to 'windfall' sites determined on a case-by-case basis in accordance with the relevant development plan policies".
p.24 – 4.1.0.4		Refers to the BUAB dissecting large gardens in 'some instances'. There is a lack of consistency with this rationale, gardens should either be included or not. There should be a consistent basis upon which the boundary should be based.

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p.25 – para 4.3.0.1		Refers to “facilities being sought for local residents in local business parks”. Where are these business parks? It isn’t mentioned in any of the employment policies in the NDP and therefore suggest this reference should be removed as it is not referred to elsewhere...
p.25 – para 4.3.0.2		The second sentence refers to “conversions for business use being encouraged within existing homes”. Is this advocating the wholesale loss of a dwelling to an employment use? There is no subsequent policy alluding to this. This sentence may need re-drafting to make it clearer what the Plan is proposing.
p.25 – para 4.4.0.1		States that the village values and supports its farms. However, I note that one of the Reserve Sites in the NDP is a farm complex in the heart of the village. There is a potential conflict/mixed message within the Plan in this regard.
p.26 – para 4.5.0.1		Under the heading “the built environment” the Plan talks about protecting the ridge and furrow surrounding the village. This should not be classified as ‘built environment’ and should be removed. As an aside, ridge and furrow is not protected and its loss through ploughing cannot be controlled or stopped through the planning regime.
p.27 – Section 5.2	bullet point 5	This is not a ‘land-use’ matter and is not alluded to subsequently within an policy and therefore this should be removed.
p.28 para 5.4	1st bullet	The Plan doesn’t provide any guidance on how developer contributions will be spent. This could usefully be included in Section 10.
p.29 para 6.1.0.1		Query the use of the term “... a traditional rate of housing development ...” even though its usage appears to be made clearer in subsequent text. Query the use of the expression “... to maintain a traditional rate of housing development ...”. It would be preferable to refer to shaping and directing the form of development to better meet the needs of the local community rather than focussing on a particular rate of development.
p.29	Housing policy 1	“New housing in the open countryside will be strictly controlled and limited to rural exception sites (see Housing Policy 4), replacement dwellings, the conversion of rural buildings, dwellings for rural workers and houses with exceptional and ground-breaking design” This policy is more restrictive than Core Strategy Policy AS.10.
p.29 – para 6.2.0.1		refers to ‘existing development lines’. It is not clear what this actually means. As mentioned previously, the ‘strategy’ for creating a BUAB should be consistent. If ‘development lines’ are to be used as an [artificial] boundary, then all gardens should be severed, regardless of size. It is clear from Map 8 that this is not the case. The paragraph states: ‘The plan identifies sites where up to 18 new houses could be built...’

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		<p>As highlighted by the Planning Practice Guidance and reinforced by Paragraph 57 of the NPPF; 'it is the responsibility of plan makers in collaboration with the local community, developers and other stakeholders, to create realistic deliverable policies. Drafting of plan policies should be iterative and informed by engagement with developers, landowners, and infrastructure and affordable housing providers.'</p> <p>Therefore, it is important that the proposed sites should not be subject to such a scale of development obligations and policy burdens that their ability to be developed is viably threatened. This needs to be considered when imposing an upward limit (Although it is noted that this 'upward' statement is supporting text and not actual policy).</p> <p>Planning Practice Guidance: Viability and Plan Making; sets out how plan/decision makers and applicants/site promoters should consider and apply viability assessments to ensure that development is deliverable.</p>
p.29 para 6.1.0.2		<p>"This is due to the importance of retaining their character and also because of specific constraints in terms of capacity in relation to infrastructure and services".</p> <p>This sentence assumes capacity is a constant.</p>
p.29 para 6.2.0.1		<p>It is important that the proposed sites should not be subject to such a scale of development obligations and policy burdens that their ability to be developed is viably threatened. This needs to be considered when imposing an upward limit (Although it is noted that this 'upward' statement is supporting text and not actual policy).</p> <p>It appears that the para numbering has gone awry here as it runs 6.2.0.1, 6.1.0.2.</p>
p.30	Map 8	<p>the proposed boundary for Lower Tysoe includes large swathes of land that are clearly not developed. It is not very clear whether some of this land is actually residential in nature... some elements appear to be non-domestic. The NDP cannot advocate the severing some residential gardens in Middle and Upper Tysoe and then promote the inclusion of large areas of land within Lower Tysoe. This is not appropriate or acceptable. There does not appear to be any evidence for this approach and is unlikely to meet the Basic Conditions. If the boundary is to be tightly drawn, this strategy must relate to all parts of the village.</p> <p>There are a number of differences between the boundary proposed for Middle and Upper Tysoe in the NDP and the draft BUAB proposed by SDC. The main difference is inclusion of land relating to site allocations 2 and 3, which is accepted as being appropriate. Other small</p>

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		<p>amendments are also deemed acceptable. The differences not agreed with are the three 'severed gardens', for the reasons stated above.</p> <p>The community's wish to have a strategic gap to prevent possible future coalescence is understood but it is unclear from the Map what parameters were used to inform the shape/size of the gap. For example why does the gap need to go beyond the southern edge of Lower Tysoe, but extend up the eastern side?. Additionally, the gap does not follow natural boundaries (such as hedgerows) in some areas and appears to follow an arbitrary alignment without any explanation as to why. The boundary could be smaller and more precise and still perform the function the community desire.</p> <p>Suggest black numbering is used for clarity.</p>
p.31	Housing Policy 2	<p>Strongly recommended that the final paragraph is deleted as it is superfluous and open to misinterpretation.</p> <p>Only one of the three identified sites (Site 3) is large enough to attract an affordable housing requirement (probably for 4 homes plus factual contribution). This potential yield is significantly lower than the level of need evidenced at para. 6.5.0.5 (a total of 14 affordable homes). Consider identifying a strategy that would be likely to more fully meet the extent of identified need?</p> <p>It is further noted that Site 3 has been the subject of a detailed site assessment (under Site Reference 6). Given the generally level nature of the site and its proximity to the village centre, it may be well-suited to the needs of households with mobility impairments. Therefore it is of concern that there is currently no footway access along Oxhill Road, although it might be possible to provide one. It is therefore strongly recommended that this issue is given further consideration and addressed as part of the Submission Plan.</p>
p.32	Housing Policy 3	<p>Estimated capacity per site isn't stated, which makes reference to "development of up to 21 houses" questionable.</p> <p>Concerned about the feasibility of a scheme at Herberts Farm, given the significant site constraints, and suggest safeguarding of this site is carefully reviewed.</p>

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		<p>Site 5 is in an area of high landscape sensitivity (according to SDC's Landscape Sensitivity Study), partly within a Conservation Area and it would involve the loss of ridge and furrow which the Plan identifies as a feature that should be retained.</p> <p>This reserve site appears to conflict with para 3.1.0.8 on page 12 "Farming is a constant of Tysoe village life. It is responsible for the agrarian landscape in which the village is set. There are few villages in the country which still have working farms at their heart."</p> <p>It may be useful to make express provision for earlier release of reserve site in the event of a community-led housing scheme (falling within the scope of Housing Policy 4) coming forward. Would be preferable for final sentence to cross-reference criteria in CS.16.</p> <p>Consideration needs to be taken for the Written Ministerial Statement, 2016 and the updated NPPF (2018). If in the future the Council cannot demonstrate a 5 year housing land supply (5yhls), yet can demonstrate over 3 years of supply, NDPs will not be considered out-of-date and as such, their housing policies will apply.</p>
p.33	Housing Policy 4 para 6.5.0.1 para 6.5.0.4	<p>Strongly recommended, as a minimum, all the text from "For the purposes of local needs housing ..." to "... priority given to those with the highest score." is deleted. The high level principle is already included in criterion (c) and its inclusion arguably over-complicates matters.</p> <p>Without the inclusion of provision for some form of "cascade" mechanism within the Policy, housing associations will not be prepared to develop a scheme. In simple terms, whilst it is important that the Policy needs to make provision for a prioritising the allocation of properties to people with a qualifying local connection to Tysoe in the first instance, it is also essential that the developing housing association is able to allocate properties on the basis of a "cascade" system to other households in the wider area in the event that there are no applicants with a qualifying local connection to Tysoe. Nothing will get built unless such contingency arrangements are put in place, and the Policy needs to allow for this.</p> <p>Strongly recommended that the whole policy is re-written to (a) better articulate the aspirations of the local community for a community-led scheme as set out in the explanatory text (section 6.5) and (b) set out just the high-level principle that local occupancy controls will be imposed to ensure that households with a qualifying local connection to the parish of Tysoe are prioritised in the allocation of properties, but that detailed criteria/procedures will be set out in a S106 Agreement.</p>

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		<p>SDC would challenge the statement "However the current system is not working in rural areas like Tysoe". On the contrary, SDC have a good record of championing and facilitating the delivery of community-led rural housing schemes.</p> <p>It would be preferable for this paragraph to be re-written to better reflect the need for the local community to be pro-active in terms of identifying opportunities to bring forward a community-led housing scheme and would benefit from updates to reflect the most recent available data. It is not just the needs of older people that should be singled-out. The needs of younger people also need to be considered, to ensure the village maintains a balanced demographic profile.</p> <p>Para. 6.5.0.4 would benefit from being expanded to recognise that the figures quoted represent a snapshot at a particular point in time and are subject to change. There is more recent data available.</p>
p.35	Housing Policy 5	<ul style="list-style-type: none"> a. The title should be amended to reflect the fact it also encompasses affordable housing. b. Whilst supporting the principle of this Policy, we would point out that it is important to be mindful of the implications of trying to apply percentages to the very low absolute number of homes likely to be involved. c. We recommend that 2 bedroom dwellings should only be provided in the form of double or twin bedroom units (i.e. 2 bed 4 person dwellings). d. No account seems to have been taken of the inter-relationship with Employment Policy 2. The majority of the text in this policy appears to be explanation/justification. The Market housing percentages add up to 100 but the Affordable housing percentages add up to 105.
p.37	Employment Policy 1	<p>1st paragraph is explanatory text rather than policy.</p> <p>"A number of small businesses in the Parish are run from home-based offices and the Parish Council is anxious to do whatever it can to facilitate this practice. However, controls must be in place to ensure that any proposed conversion of residential property to office use is both necessary and appropriate."</p> <p>Is it the intention to limit this to 'office' use or should it read 'business' use for additional flexibility and consistency? Other forms of home working may be acceptable?</p> <p>One of the requirements for the change of use land or premises identified for, or currently in employment use will not be supported unless:</p>

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		<i>It can be demonstrated that there is already a sufficient supply of sites for a range of employment uses to meet both immediate and longer term requirements over the plan period. This is too onerous of a requirement for the applicant, especially on minor applications.</i>
p.38	<p>Employment Policy 2</p> <p>'All new dwellings will be encouraged to provide space to support home working, with flexible space adaptable to a home office.'</p>	<p>It is unclear whether live-work units are supported outside the BUAB. If yes, it should be included in Housing Policy 1; if no, then d) is not relevant as any site within the BUAB is accessible to services and facilities by foot or cycle. However, it should be noted that Core Strategy Policy CS.22 does not support live-work units in locations that are not appropriate for a dwelling.</p> <p>Is it the intention to limit this to 'office' use or should it read 'business' use for additional flexibility and consistency? Other forms of home working may be acceptable?</p> <p>Careful consideration is needed to the wording of this policy. As worded, an application for all new housing could be submitted with an office. Consideration would usually be given to the fact that the office could be converted into a bedroom under PD rights. Therefore, an application for a three bedroom house in reality could be for a four bedroom dwelling. However, under this policy the application would have to be treated solely as a three bedroom house and as such, could have implications on the design, parking and highway safety.</p> <p>The Policy states for live work units:</p> <ul style="list-style-type: none"> a) Have suitable independent access to both uses What are the justification(s) and/or evidence for this requirement? d) Be reasonably accessible to service facilities by means other than a private vehicle What are the justification(s) and/or evidence for this requirement? Not all business requires such facilities, especially in a rural location. f) Have adequate residential curtilage without having a detrimental impact on the building and its rural setting. What are the justification(s) and/or evidence for this requirement? What is considered an adequate residential curtilage? The Policy may wish to consider the emerging Development Requirements SPD.
p.39	Natural Environment Policy 1	<ul style="list-style-type: none"> - insert "protection of" between "ensure" and "the" on first line? <p>The Policy wording is very stringent: '<i>All developments requiring permission will need to demonstrate measures that ensure the special landscape and scenic beauty of the AONB...</i>' Agree all developments require particular consideration on the impact of the AONB and where necessary, measures will be taken to mitigate against the impact of development</p>

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p.40	Natural Environment Policy 2	<p>Part C could include: unless exceptional circumstances can be demonstrated that outweigh the harm of the development on the area's tranquillity and dark skies, on planning balance. The policy could cross refer CS.11 and the Cotswolds AONB Management Plan. Would it be useful to add the CPRE's 'Dark Skies Policy' as an Appendix, to save people searching for it?</p>
p.41	Natural Environment Policy 3	<p>Is it appropriate for all development to incorporate SUDS? Core Strategy Policy CS.4 (p.37) talks about "proportionate incorporation" of SUDS. Developers/applicants could argue that this is an unreasonable request.</p> <p>Criterion b) How would you enforce rainfall being retained on site?. Recommend it is reworded. This policy is too onerous. There are other suitable drainage methods as endorsed by the Environment Agency, DEFRA and Local Lead Flood Authority for surface water run-off. Furthermore, when conditioned, drainage and flooding conditions will be consulted on by the relevant bodies and as worded, it would mean only this strategy (as specified in part b) would be considered acceptable for water run-off. – Robust evidence would be needed for this policy to be applied.</p> <p>Where had the 20 metre figure come from in criterion (e)? Sufficient and robust evidence is needed to ensure this policy is applicable. The EA and DEFRA have specific requirements which must be adhered to throughout the course of the development.</p> <p>criterion (f) is unclear in what it means or is trying to achieve. Why would the implementation of SUDS affect the dry weather flow of the Tysoe WwTw. This needs further explanation.</p> <p>It is unclear what it meant in the policy principle - Does it relates to maintenance?</p>
p.44	Natural Environment Policy 5	<p>Does the policy need to refer to Map 9, for clarity and consistency? Does the policy need to list/refer to the 8 specific views listed on Map 9? The requirement for all development to be accompanied by a formal Landscape and Visual Impact Assessment is too stringent. Who will decide whether a proposal 'impinges' on the CAONB?</p> <p>Not all developments (i.e. small extensions, barn conversions, etc) require a formal LVIA. Consideration is needed to the AONB Management Plan, its requirements and when consultation is required. This will give an indication when an LVIA is necessary. In addition, screening opinions can be sent to evaluate the impact of development on the wider landscape.</p>

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p.46-48		Providing photographs of important views is very helpful and effective.
p.49	Natural Environment Policy 6	The strategic gap is not shown on Map 1, as suggested. The policy refers to a number of 'restricted' uses that could be appropriate within the strategic gap – including "minor extensions to existing dwellings". Are there any dwellings actually located within the proposed strategic gap?, but even if there are it is not considered appropriate to impose a restriction that dwellings can have only 'limited' extensions.
p.50	Natural Environment Policy 7	'Green Infrastructure' is about much more than trees and hedgerows. Suggest term be deleted from heading and 1st line. Should "maintained" be replaced by "retained, where possible"? It must be acknowledged that trees can be removed without prior consent in the majority of cases [if not in Conservation Area or TPO'd]. Sequester means 'confiscate' or 'isolate' – is this the most appropriate word to use in this instance?
p.51	Built Environment Policy 1	Consider replacing "damage" in the first para with "detrimental harm". Consider replacing "that might endanger" with "to" in the final sentence of the first para. "All proposals must conserve the important physical fabric and settings of listed buildings". The penultimate para would appear to contradict/conflict with foregoing policy wording.
p.52	Built Environment Policy 2	"conserve or enhance heritage assets including listed buildings and the designated Conservation Areas" Is this necessary in policy 2 as is covered in policy 1? "Proposals that do not positively contribute to local character will not be supported". However Para 131 of NPPF states that "In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
p.52	para 9.2.0.2	Unsure why a para relating to ridge and furrow landscape is in the built environment section. It would be better placed within the Natural Environment section.
p.53	Built Environment Policy 3	Suggest amending the second sentence as follows: "Opportunities <u>should be taken</u> to achieve this level during any proposals for conversions and extensions <u>will be encouraged and supported</u> ". It would be helpful to include a brief description/ definition and link to Home Quality Homes , so that it is clear what the requirements for housing development is. Given that Tysoe is 'off gas

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		and isolated, small community renewable energy schemes might be encouraged, to provide security of supply and cheaper low carbon energy generation. Consider including a point about EV charging points?
p.53	Built Environment Policy 4	Not consistent with SDC's emerging car parking standards in the Development Requirements SPD. The final para of the policy is un-enforceable and it is not 'land-use' per se, therefore should be deleted.
p.54	Built Environment Policy 5	What is considered as a 'lawful' dwelling? Supporting text should justify this statement for clarity as the NDP has to be easy to navigate and use for all members, including the general public.
p.54	Built Environment Policy 6	<p>"Including" [on the first line] is not the correct word to use here, since agricultural buildings have never been dwellings! It requires re-drafting to make it clearer what the policy is intending to achieve.</p> <p>1st part criterion c) repeats introductory phrase. Amend to read 'it does not have...'</p> <p>It is considered criterion (f) should be deleted as it is not relevant.</p> <p>This policy needs to carefully consider its definition of 'reuse'. As worded, the policy is encouraging all agricultural buildings to be brought back into use, any use. There is no restrictions on the use, the length of time the building was previously used for, materials used for the building and/or architectural merit.</p> <p>As worded, it is possible to convert a metal redundant barn, which has not been used for a year, into a dwelling within the neighbourhood plan area.</p> <p>Presently, the policy is in direct conflict with AS.10 of the Core Strategy and fails to meet the basic conditions test.</p> <p>Recognition is not required for permitted development rights. The application either meets the requirements of the GDPO or fails. It can become convoluted if the NDP, in support of the Parish Council, supports Prior Notification Applications when the Council considers it does not meet the set requirements of the GDPO.</p>

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p.55	Community Assets Policy 1	<p>- The policy refers to the potential for a new facility – should it state where would be appropriate (i.e. remaining within the village?) for clarity... The final para refers to community assets being “supported”. Does this relate to up-keep/maintenance of current premises? It is not clear – it may be worth considering re-drafting to ensure no confusion on this point.</p> <p>Should the Methodist Church be also identified? How will designated assets be maintain and protected. The Government has introduced via the Localism Act 2011 a scheme called 'Assets of Community Value'. Under this policy a community asset can be nominated by a parish council and an application made to the Local Authority for it to be placed on the Register of Assets of Community Value. This would mean that should the owner of the asset wish to dispose of it the parish council or other community organisation in the parish must be given the opportunity to bid for it. The scheme does not give the parish council first refusal but an opportunity to prepare a proposal and bid.</p> <p>Evidence needs to demonstrate why these assets are considered as community assets?</p>
CIL		The NDP to consider listing priorities?, i.e. community assets, green spaces, which are intended to be funded via CIL.
Appendix 2 – Village Design Statement		<ul style="list-style-type: none"> • Build Height This is too restrictive. Each application is determined on its own merits, including viability and character. Furthermore, design and character is covered in other policies within the NDP and District's Core Strategy (2011-2031). • Roof Construction. This is too restrictive. Each application is determined on its own merits, including viability and character. Furthermore, design and character is covered in other policies within the NDP and District's Core Strategy (2011-2031). As a result, specifications do not have to meet these stipulated requirements, if it is demonstrated that the design is of high merit and conveys to the character of the area. • Roof Pitches

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		<p>As worded, too restrictive as highlighted above.</p> <ul style="list-style-type: none"> • Parking Why is the NDP encouraging off-road parking if there is suitable parking within the confines of the site? Off-road parking can intensify the use of area's highway network. • Security Too onerous on the applicant. Not all new development needs to be signed off by a Police Designing Crime Officer. Furthermore, this would mean every development could not be implemented until the scheme has been signed off by the Police Designing Crime Officer, delaying the decision making process and causing a backlog in decisions, which is against the principles of the NPPF