

Loxley Neighbourhood Development Plan

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

Appendix 1 – Significant comments from Stratford-on-Avon District Council

Suggested new text underlined deleted text ~~struckthrough~~

Page number	Section	Comment
General		This was publicised as a 'focussed consultation' in that they have mentioned changes only to the allocated sites and a new flood policy. However, it appears that there are quite a number of other differences between the two documents. Whilst many changes have been in direct response to our previous comments, additional and amended text has been added to other policies.
General		The documents is entitled 'Submission Document' whereas in fact it is still at the pre submission stage
Page 12	Policy H1	<p>The village boundary is a built-up area boundary with three large(ish) rear gardens excluded... with no explanation on the rationale behind this decision. The exclusion of only these 3 gardens is inconsistent in how the remainder of the 'line' has been drawn (and presumably been assessed/evidenced?). Paragraph 2 of policy H1 states that 'all areas outside the Development Boundary are classed as countryside'. It seems perverse that three gardens within the village will be classified as 'countryside'</p> <p>In accordance with national policy, sites should not be subject to such scale of development obligations and policy burdens that their ability to be developed, is viably threatened. Although paragraph 173 of the previous NPPF has been removed, the PPG provides specific guidance on how viability should be assessed and attributed, stating:</p> <p><i>Plan makers should engage with landowners, developers, and infrastructure and affordable housing providers to secure evidence on costs and values to inform viability assessment at the plan making stage.</i></p> <p>Policy H1 states:</p>

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		<p>'Housing numbers are indicative only. Higher densities may be more appropriate for developments of smaller dwellings.'</p> <p>Where is the evidence that higher densities may be appropriate for smaller dwellings? A developer maybe able to demonstrate, through viability, that a larger number of dwellings of three/four bedrooms can accommodate the site, meeting all other policy stipulations, and is the only viable option to deliver the allocated site. Therefore, this statement could be conceived as too restrictive.</p>
Page 13	Figure 2	Unsure about decision to omit 3 gardens from the 'village boundary' as this shows an inherent inconsistency in the methodology
Page 14 Para 4.2		The NDP recognises Loxley as a Category 4 LSV. It should be noted, as the Core Strategy does, that LSV designations can be changed dependent on new development and facilities, over the plan period; therefore, altering the housing requirements (CS.15 and CS.16).
Page 15	Para 4.8	Whilst it is understood the interpretation of a 'village boundary' will be different to a 'built-up area boundary', there appears to be no reasoning or evidence to state why this interpretation is appropriate or how it has been evaluated. It seems to be a mechanism to artificially 'protect' a small number of rear gardens from potential future development. There is no consistency given that there are other 'large' gardens included within the 'village boundary' elsewhere in the village
Page 15 para 4.11		<p>Para 4.11 states 'The allocations of sites B, D and E to create small cul-de-sac developments</p> <p>Although supporting text, cul-de-sacs are not always an appropriate form of development. The design of the streets should vary to suit their position on the site, within the hierarchy of routes, the character of the area and the landscape network making up the settlement. As such, supporting text should not express, or limit, development to certain design principles without a masterplan. Furthermore, NDPs should not threaten the viability of the development, it may be possible limiting the sites layout to cul-de-sacs limit the viability of the site(s).</p>
Page 15 para 4.12		It is essential that the sites chosen and rejected have been thoroughly assessed and reasons given for their rejected or inclusion and this decision making is transparent and is published
Page 16	Policy H2	<p>These comments were made in SDC's previous response but does not appear to have been addressed</p> <p><i>The Plan does not allocate any housing sites of sufficient size to attract an affordable housing requirement. Consideration should be given to allocating a smaller number (or even just one)</i></p>

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		<p><i>larger housing site, with a view to securing affordable housing provision on site</i> <i>The revised NPPF does refer to the possibility of applying a lower threshold (of 5 dwellings) for mandatory affordable housing provision. It may be useful for the Parish Council to revisit this issue in the light of the new guidance and perhaps consider introducing a policy applying a lower threshold that that currently in the Core Strategy. Alternatively, some of the sites could be developed as 100% affordable schemes. If so, the parish will need to explore further with housing associations whether any would be willing to act as developer.</i></p> <p>Although three sites are proposed as housing allocations, the likely scale of development in all cases falls below the applicable threshold for affordable housing provision in Core Strategy Policy CS.18. One way of addressing the above issue might be to apply a lower site size threshold for affordable housing, albeit with appropriate reasoned justification.</p>
Page 16	H2 Part C	<p>For clarity, it is recommended stating that secure arrangement will made through Section 106 agreements. This will clearly convey that a legal requirement and negotiations will be sought before the site is considered acceptable for development.</p>
Page 17	Policy H3	<p>There is new text at criterion e) and two new criterion j) and k) have been added. In relation to criterion j) it should be noted that with the removal of the largest allocated site from the Plan and the very tightly drawn 'development boundary', it is highly unlikely this requirement will ever be triggered and therefore is it necessary?</p> <p>Para 4.17 The requirements are only limited to people within the Parish or connection too. Consideration needs to consider people in the vicinity of the Parish, especially if no-one comes forward that meets the specified requirements. Further text could be incorporated to connections within the district.</p> <p>The Council's housing register and criteria needs to be measured before delegating housing to local people. The Parish Council may want to consider incorporating a phrase, along the lines of; The Parish Council will work closely with Stratford-on-Avon District Council to help ensure local housing is available to local people, where applicable.</p>

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		<p>Part J is too restrictive. The developer may be able to demonstrate through a desktop study that there is no archaeological interest in the site area.</p> <p>Part G is very specific –Where is the evidence for this Policy to be enforced, i.e. LVIA’s?</p>
Page 20	Policy H5	<p>Whilst it is noted that criterion a) has been amended to remove volumetric calculation, para 4.33 still relates to a 30% volume increase... Criterion a) now relates to replacement dwellings not being ‘disproportionately large relative to the plot size’. This is too restrictive and looking to include a similar limitation to the original version. Therefore, para 4.31 where the Plan claims it is are not intending to ‘overtly restrict people’s freedom of expression’ is incorrect. Remove reference to 30% larger footprint and volume as it is entirely inappropriate</p> <p><i>b) consider potential for garaging</i> It is unclear what this means.</p>
Page 21		<p>The designated valued landscapes need to be supported by robust, up-to-date, evidence (i.e. LVIAs). The assessment methodology ‘An Approach to Landscape Character Assessment’, confirmed by Natural England in 2014, incorporates the assessment processes set out in the 2002 guidance note ‘Landscape Character Assessment Guidance for England and Scotland’.</p> <p>However it appears that the policy refers more to Important Views and therefore 2. In policy NE1 should be altered to Important Views and Figure 3 should be renamed Important Views.</p>
Page 26	Policy NE3	<p>Unsure how the policy can insist on planting an ‘equivalent or better standard’ tree or hedge if it is removed as part of a development proposal, particularly if a mature tree is to be replaced. How would you plant a 60 year old tree if that is the ‘equivalent’??</p>
Page 30	CIL	<p>May want to consider listing priorities, i.e. community assets, green spaces, which you want to use CIL Funding towards. Consider what requires the most funding, initially.</p>
Page 33	Policy LC3	<p>1st para, last line – suggest replace ‘prioritised’ with ‘incorporated’ as it is generally impractical to prioritise walking and cycling in rural settlements.</p>
Page 34	Policy TT1	<p>The fifth paragraph has been re-drafted since the last version. Unsure what the final part of the paragraph is attempting to convey. This version of the paragraph is less clear than the original.</p> <p>It is considered unreasonable and unsustainable, to provide a parking space per bedroom. For</p>

Page number	Section	Comment
		example, a 5 bedroom house would require 5 parking spaces even though it's for family of 4 (2 adults, 2 children).
Page 35	Policy TT2	Considered too restrictive for validation/determination requirements
Page 31	Policy LC2	Proposed LGSs should be considered against NPPF/PPG criteria and this assessment should be published.
Page 34	Policy TT1	Reference should be made to SDC's emerging Development Requirements SPD.

Schedule of minor comments from Stratford-on-Avon District Council

Suggested new text underlined deleted text ~~struck through~~

Page number	Section	Comment
Page 2	Contents page	Whilst the policies have been added to the contents page, the page number should also be added for each policy, for ease of reference
Page 9	3.3, 1st bullet	delete 'market' as some homes that are compliant with other policies, eg. within the BUAB in accordance with Policy H1, can serve wider needs than just Loxley.
Page 12	Policy H1	section 2 – delete 'for' in first sentence Policy AS.10 part E and I are referred to whereas parts E and J should be referred to. Also needs to state that AS.10 is from Core Strategy.
Page 14 Para 4.4	Policy H1 Explanation	replace 'backfill' with 'backland' as this is the usual term in this context
Page 16	Policy H2	Replace 'permitted' with 'supported' in first line. The Parish Council does not determine planning applications.
Page 18	Policy H3	<i>"g) conserve and not obstruct the enjoyment of views to and from higher slopes or skylines, or panoramic views across the landscape"</i> Typo should be a gap between panoramic (misspelled) and views
Page 26	Policy NE3	It is unclear how the policy can insist on planting an 'equivalent or better standard' tree or hedge if it is removed as part of a development proposal, particularly if a 60 year old mature tree is to be replaced
General		The Appendix [VDS] is missing from the document