

Bearley 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 ~~struck through~~ [where applicable].

Page number	Section and Policy	Comment
Page 38	Chapter 5.1: Housing [Policy H1 – Village Boundary]	<p>Suggest amending first line to read: “Proposals for new dwellings in <u>within</u> the built-up...”</p> <p>Second paragraph – suggest amending first line to read: “...are classed as <u>open</u> countryside. New dwellings in this within the open countryside area should <u>will</u> be strictly...” for accuracy and clarity.</p> <p>Amend final sentence to quote correct NPPF reference as follows: “...in accordance with paragraph 7a <u>79e</u> of the revised NPPF <u>February 2019</u>”. In any case, it is considered that this provision does not apply to the Green Belt [i.e. they aren’t listed as exceptions to inappropriate development in paragraph 145 in the NPPF or Policy CS.10 in the Core Strategy].</p> <p>Policy CS.10 Green Belt is arguably more relevant to be mentioned within the second paragraph of the policy text than Policy AS.10.</p>
Page 40	Chapter 5.1: Housing [Policy H2 – Affordable Housing]	<p>“Smallscale” is actually two separate words and should be amended accordingly.</p> <p>Amend “permitted” to “supported” in the first sentence of the policy for consistency of language with other policies in the Plan. This is also more appropriate wording, since the Parish Council [as authors of the NDP] are not the determining Authority in relation to planning applications.</p> <p>The phrase “fairly close” in the first sentence should be changed to “adjacent” in order to be compliant with wording in Paragraph 71 of the NPPF and Core Strategy Policy CS.15G.</p>
Page 41	Policy H2 – Paragraph 5.1.15	<p>It is suggested that the cascade system needs to comply with the District Council’s cascade in order to ensure viability and consistency. The District Council’s Development and Enabling Officer has indicated he would be happy to discuss this matter further with the Parish Council, should this be deemed beneficial.</p>
Page 42	Chapter 5.1: Housing [Policy H3 – Use of Brownfield Land]	<p>It is unclear how the former play area element of the site shown at Figure 8 would comply with the definition of Previously Developed Land (PDL), since it is greenfield in nature. The final paragraph of the policy has been written in such a way that it would not apply to all PDL. Additionally, with the policy as written, only approximately one third of the ‘old garage site’ could be developed, since two-thirds of the site is greenfield. Surely it is not the intention of Plan that the one proposed site does not comply with the relevant housing policy?</p>

Page number	Section and Policy	Comment
Page 42	Policy H3 – Explanation [Paragraph 5.1.18]	This paragraph is misleading/irrelevant since it is actually talking about release of Green Belt land with the strong restrictions that this entails. ‘Very special circumstances’ would need to be demonstrated to justify any release. In any case, the majority of the ‘old garage site’ is greenfield and as such its release would need to be clearly demonstrated as per this paragraph.
Page 42	Policy H3 – Explanation [Paragraph 5.1.20]	The paragraph looks to protect greenfield sites ‘which are of value to the community’. Two thirds of the ‘old garage site’ is greenfield – is it no longer deemed of value to the community?
Page 42	Policy H3 – Explanation [Paragraph 5.1.21]	Only approximately one-third of the ‘old garage site’ is PDL [i.e. land occupied by the unused garages].
Page 43	Policy H3 – Explanation [Paragraph 5.1.23]	This paragraph acknowledges that the ‘old garage site’ is made up of two separate parcels [see all comments on this issue, above]. It should also be clarified here that this land would still be subject to obtaining the necessary planning approvals.
Pages 42 to 43	Housing Section – General comment	The Explanatory text associated with Policy H3 refers to two specific sites: ‘the old garage site’ off Oaktree Close and the ‘Countrywide/Bearley Mill site’ on the outskirts of the village. It is surprising that the Plan doesn’t include specific, individual policies for allocating these two sites for appropriate reuse/redevelopment. The NDP would be the perfect vehicle for outlining the community’s aspirations and requirements for the two sites and ensuring the community has an influence on any future development of the sites.
Page 44	Chapter 5.1: Housing [Policy H4 – Use of Garden Land]	<p>Criterion (e) relates to flood risk. Whilst acceptable in principle, it is noted there are no Flood Zones 2 or 3 within, or close to the village of Bearley. Is this criterion necessary? If it is to remain, it will require ‘local level’ justification.</p> <p>Criterion (f) does not appear to relate to this policy – delete.</p> <p>The policy should also mention that Green Belt policy would apply here [i.e. development would not be inappropriate provided it preserves its openness].</p>
Page 44	Policy H4 – Explanation [Paragraph 5.1.24]	Suggest amending this paragraph to inform the reader that the gardens being referred to lie within the Green Belt, since the village is washed over by it. Amend to: “Many of these properties are also close to the conservation area <u>and are washed over by the Green Belt.</u> ”
Page 44	Policy H4 – Explanation [Paragraph 5.1.26]	Suggest deleting last part of this sentence as potential harm to the Green Belt is not a residential amenity issue. Amend to: “Detrimental harm to the amenity of a neighbouring property includes loss of daylight and sunlight (overshadowing), intrusive or overbearing development and loss of privacy (overlooking) as well as harm to the Green Belt. ”
Page 45	Chapter 5.1: Housing [Policy H5 – Market Housing Mix]	The policy asks that housing developments of 5 or more units should meet the housing requirements identified by the SHMA or Housing Needs Survey. Where is the justification for this figure? How does this policy comply with the provisions of Core Strategy Policy CS.19 [Housing Mix and Type]?

Page number	Section and Policy	Comment
Page 46	Chapter 5.2: Economy [Policy ECON1 – Protecting and Supporting Existing Employment Sites]	<p>This policy could be in conflict with the NPPF regarding inappropriate development in the Green Belt. Suggest amending the final paragraph to:</p> <p><u>“Limited extensions to existing commercial buildings in the Neighbourhood Area will be supported providing there is no conflict with other policies in this Plan, the Stratford-on-Avon District Core Strategy and the National Planning Policy Framework”.</u></p> <p>Suggest also adding a new criteria: <u>“e) The replacement building will not be materially larger than the one it replaces and will not harm the openness of the Green Belt”.</u></p>
Page 47	Chapter 5.2: Economy [Policy ECON2 – Promoting New Employment Opportunities]	<p>In order to ensure the policy complies with higher level policy, it is suggested the opening paragraph of the policy be amended to read: <u>“Proposals for sites providing new employment opportunities that are consistent with other policies in this Plan, the Core Strategy and the NPPF and which encourage the growth of local employment will be supported”.</u></p>
Page 48	Chapter 5.3: Built Environment [Policy BNE1 – Responding to Local Character]	<p>This policy would also benefit from acknowledging what the NPPF says about innovative design as set out in paragraph 130.</p> <p>Criterion (e) refers to the ‘Warwickshire Landscape Guidelines’. What are these? Where can they be viewed? What is their relevance to this policy? This needs to be made clear.</p>
Page 49	Chapter 5.3: Built Environment [Policy BNE2 – Preservation of Heritage Assets]	<p>Suggest deleting “where relevant” at the beginning of the first paragraph of the policy since this provides an unnecessary loophole and is likely to be inconsistent with the NPPF which states that these assets are an irreplaceable resource [Paragraph 182 refers].</p>
Page 49	Policy BNE2 – Explanation [Paragraph 5.3.2]	<p>The final sentence suggests that pre-application advice is available through the Conservation Team at SDC. However, the Policy and Explanatory text refer to the Conservation Area as well as Listed Buildings. Whilst pre-application advice can be obtained from SDC for proposals relating to Listed Buildings (for a fee) this service is not available for development proposals affecting Conservation Areas. Therefore, it is suggested the final sentence be replaced with: <u>“Pre-application advice for proposals relating to Listed Buildings can be obtained through the Conservation Team at Stratford-on-Avon District Council for a fee.”</u></p>
Page 49	Chapter 5.3: Built Environment [Policy BNE3 – Effective and Efficient Use of Land]	<p>Concern that the policy as drafted is ‘descriptive’ rather than policy wording. Suggest replacing with: <u>“Proposals which achieve the effective and efficient use of land; are of an appropriate density; reuse previously developed land and bring properties back into use will be supported in principle”.</u></p>
Page 50	Chapter 5.3: Built Environment [Policy BNE4 – Neighbourhood Design Guidelines]	<p>Criterion (c) – references “white render” as a local material. Is this prevalent in the village? Please check and amend/remove if necessary.</p> <p>Criterion (e) – It is considered the use of the word “space” is too vague without being quantified since it leaves it open to different interpretation.</p>

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		<p>Criterion (f) – It is considered the local justification for the 30% volume limit stated within this criterion should be made clear. This volumetric ‘cap’ is not in conformity with the Core Strategy or NPPF which refer to development being appropriate if extensions do not result in ‘disproportionate additions’ over and above the original dwelling, thus having a less restrictive and more flexible interpretation to the Policy in the NDP.</p> <p>Criterion (g) – where are the water courses referred to here? Is this criterion necessary/appropriate?</p> <p>Criterion (h) – It is considered that the use of word “shape” is too vague and requires more explanation [or omission] since it is open to different interpretation.</p> <p>Criterion (i) – This criterion is too onerous and it is not clear why such restrictions are necessary. In the majority of cases, window replacements can be carried out without prior consent and cannot therefore be controlled by policy. This requirement is in conflict with the NPPF Para 125 where a suitable degree of variety is encouraged. Without justification, it is considered this criterion should be omitted.</p>
Page 50	Policy BNE4 – Explanation [Paragraph 5.3.4]	This explanatory text refers to ‘disproportionate additions’ as set out in the NPPF. How does this then tie in with criterion (f) of the policy referring to 30% volumetric ‘cap’ on extensions? There seems to be disconnect between the policy stance and the justification for its inclusion in terms of calculating ‘appropriate development’ in this regard.
Page 50	Policy BNE4 – Explanation [Paragraph 5.3.7]	This paragraph refers to off-street parking, which is not referred to or relevant to policy BNE4 and should be deleted. It would seem to be more appropriate to be included with Policy BNE7. As an additional point, this paragraph is written as policy, rather than explanatory text.
Page 51	Chapter 5.3: Built Environment [Policy BNE5 – Designing out Crime]	Given the caveat that this policy will only be appropriate ‘where necessary’, there is no requirement for the word ‘all’ at the beginning of the paragraph. Amend as follows: “ All Development proposals will be expected, where necessary...”
Page 51	Policy BNE5 – Explanation [Paragraph 5.3.8]	The ‘Secured by Design Scheme’ website address provided is a national website and doesn’t appear to specifically include local recommendations by the Warwickshire Constabulary, as it is suggested.
Page 51	Chapter 5.3: Built Environment [Policy BNE6 – Lighting]	The ‘rural character of the village’ is mentioned twice in the first sentence of this policy, unnecessarily. Therefore, suggest amending as follows: “ In keeping with the rural character of the village, Lighting on new development should be kept to a minimum without compromising highway safety in order to preserve the rural character of the village”.

Page number	Section and Policy	Comment
Page 52	Chapter 5.3: Built Environment [Policy BNE7 – Parking and Access]	<p>In relation to 'adequate parking' – it is not clear why this does not also relate to residential development?</p> <p>The policy appears to suggest that proposed secure storage space for cycles should be 'in keeping with the number of bedrooms as a minimum'. It is not clear what this means, why this is necessary or what evidence this requirement is based upon. It is not considered critical to link domestic cycle spaces to the number of bedrooms in a dwelling. Suggest amending the third sentence as follows: "Additionally, dwellings should provide secure storage space for cycles in keeping with the number of bedrooms as a minimum."</p> <p>The policy title includes the word 'access' but the policy does not cover this element. Either remove 'and Access' from the policy title or insert a sentence promoting access, such as: "<u>New development must demonstrate how pedestrian and cycle routes to local amenities have been taken into consideration and, where possible, created, improved or maximised</u>".</p>
Page 52	Chapter 5.3: Built Environment [Policy BNE8 – Agricultural Land]	Suggest replacing "be resisted" with "'not be supported" for consistency of policy language throughout the Plan.
Page 52	Policy BNE8 – Explanation [Paragraph 5.3.14]	The Landscape Sensitivity Study 2012 undertaken by White Consultants is irrelevant to this policy. The sensitivity of a particular landscape is not the same as protecting agricultural land for future food production. Delete paragraph 5.3.14.
Page 53	Chapter 5.3: Built Environment [Policy BNE9 – Replacement Dwellings]	<p>Policy criterion (a) – See comment for Policy BNE4 Criterion (f). Para 4.1.9 of the Core Strategy states that 'a specific maximum figure is in many cases arbitrary...' What evidence exists to support and justify this percentage?</p> <p>Policy criterion (e) – together with Explanatory test para 5.3.16 – concern is raised that the neighbourhood plan is attempting to have undue influence over people's 'freedom of choice' to do what they wish with their property [subject to all necessary approvals].</p>
Page 54	Chapter 5.3: Built Environment [Policy BNE10 – Re-use or change of use of Buildings]	Suggest re-drafting the final paragraph as follows: "In applications for such development, compliance <u>Proposals will be expected to comply with the above criteria</u> would have to be demonstrated through the submission of appropriate supporting documentation" .
Page 54	Policy BNE10 – Explanation [Paragraph 5.3.18]	Mention is made of a 'Village Design Statement' but no further mention of such a document can be found within the Plan itself. What is the document, and where is it? Does it actually refer to the 'Village Design Guidelines' as set out in Appendix 1M to the Plan? If so, this paragraph needs amending, accordingly. If not, the VDS will either need to be included as an Appendix, or mention of it removed from the explanatory text.
Page 54	Chapter 5.3: Built Environment [Policy BNE11 – Empty Homes and Spaces]	Suggest amending the second sentence of the policy to read: "...provided there is no adverse <u>environmental</u> impact and the new use is compatible with the existing <u>neighbouring uses in the building</u> ".

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Page 55	Chapter 5.3: Built Environment [Policy BNE12 – Skyline Protection]	<p>Suggest replacing “be resisted” with “not be supported” for consistency of policy language throughout the Plan.</p> <p>The first paragraph does not actually relate to the policy heading. How would you assess whether a structure is ‘highly visible’ and what is the difference between ‘visible’ and ‘highly visible’? This could cause difficulty in utilising the policy to evaluate whether a structure would be acceptable, or not since it is open to individual interpretation.</p> <p>The second paragraph relates to an unusual topic and its purpose is not covered in the explanation. Some structures [such as construction equipment] do not require planning consent due their temporary and transient nature and could not therefore be controlled via planning condition. Additionally, structures such as electricity pylons do not need consent. Concern is raised that this part of the policy is not justified or reasonable for the reasons stated here. Even if the paragraph were deemed acceptable, it would need to be clarified what is meant by ‘reasonable time limit’ as this would mean different things to different people and would be open to different interpretation.</p>
Page 55	Policy BNE12 – Explanation [paragraph 4.3.22]	<p>Concern that this paragraph reads more like policy and merely repeats what is stated within the policy – it does not add any further reasoning or justification for the policy itself. Additionally, it reads more as a ‘Natural Environment’ type issue, rather than a ‘Built Environment’ issue. Is it the correct chapter of the Plan?</p> <p>If the paragraph is to remain, suggest replacing “permitted” with “supported” in the first line, for consistency of language throughout the Plan.</p>
Page 56	Chapter 5.4: Natural Environment [Policy NNE1 – Protection of SSSI’s]	<p>The Policy title on p.56 is different to that listed within the contents page. Please amend one or the other, depending upon which is correct. The fact that Local Nature Reserves are not mentioned within the policy text, suggests the title on p.56 of the Plan is correct.</p> <p>Amend the policy text as follows: “...adversely affect the Sites of Special Scientific Interest (SSSIs) known as Bearley Bushes and Bearley Waste...” – for clarity and completeness.</p>
Page 57	Chapter 5.4: Natural Environment [Policy NNE1 – Figure 11]	<p>Within Policy NNE1 and associated Explanatory text, there is mention of 2 no. SSSI’s, a LNR and other “Designated Sites” [as quoted in para 5.4.8]. These are not clearly shown/labelled on Figure 11. All of these sites should be clearly illustrated and the boundaries of each site clearly shown on a revised map – for clarity and completeness.</p>
Page 59	Chapter 5.4: Natural Environment [Policy NNE3 – Biodiversity etc]	<p>The first sentence seems to be too demanding. It is reasonable to expect protection but not necessarily reasonable to expect enhancement and restoration in all circumstances. To this end, amend second sentence as follows: “Development proposals <u>where necessary</u> will be...”</p> <p>The sentence following the three criteria talks of a “mitigation hierarchy policy”. This requires explanation as to what it is and under what circumstances it would be applicable, since it is unclear at present.</p> <p>Final sentence – suggest amending to read: “...plant species are present as long as <u>if</u> it can be demonstrated that it does will not affect...”</p>

Page number	Section and Policy	Comment
Page 60	Chapter 5.4: Natural Environment [Policy NNE4 – Local Green Spaces]	<p>As a general point, it may not be necessary to designate Local Green Spaces in the Green Belt because the sites already have the equivalent protection, as confirmed in paragraph 101 of NPPF 2019. However, it is acknowledged that other villages within the Green Belt have earmarked sites for LGS designation and as such, there is no objection in principle to this policy stance.</p> <p>The first paragraph of the policy states that LGS will be protected to 'ensure adequate amenity space is available', in keeping with 'the rural character of the village and 'green space inheritance'. None of these relate to the criteria by which LGS are assessed under paragraph 100 of the NPPF. What is meant by 'amenity space'? There is mention of areas of 'recreation value' in the NPPF, but this suggests public access. Do all the LGS have public access? Is amenity space the same as recreational area? The rural nature of a village is unimportant in this assessment. It is not clear what is meant by 'green space inheritance'. It is suggested this paragraph is re-drafted in accordance with the criteria set out within the NPPF.</p> <p>Site LGS3a – remove the number of the site in brackets as it is unnecessary duplication.</p> <p>Final paragraph – amend first sentence as follows: "Proposals for development on the land that is not ancillary to the use of the land for public recreation purposes <u>designated Local Green Space</u> will be resisted <u>not be supported</u>." For the reasons outlined above.</p> <p>Final paragraph: 'openness' is not actually a relevant criteria in relation to LGS designation and so reference to it should be deleted here. This policy may have been drafted against the 2012 version of the NPPF when paragraph 76 referred to 'ruling out development other than in very special circumstances'. The 2019 version NPPF does not have this criteria. This paragraph should be re-drafted to align with the current NPPF.</p>
Page 60	Policy NNE4 – Designated Local Green Space [Explanation]	<p>Nowhere in the explanatory text does it make it clear whether these sites have been assessed against the relevant criteria in NPPF/PPG. This is a critical omission. A paragraph needs to be inserted to confirm the sites have been assessed and additionally all the site assessments should then be added as a further Appendix to the Plan.</p>
Page 61	Policy NNE4 – Photos	<p>The photographs relating to Policy NNE4 are on the page associated with Policy NNE5. They should be moved to sit below the Explanatory text for Policy NNE4. Additionally, it would be helpful to include on a plan where the photographs have been taken from, for clarification purposes.</p> <p>Amend legend for photos to read: 'Designated <u>Local</u> Green Spaces 3a, 3b, 3c and 4'.</p>
Page 61	Chapter 5.4: Natural Environment [Policy NNE5 – Valued Landscapes etc]	<p>It is imperative that these features are shown on a map and fully justified, otherwise there is no way of evaluating their appropriateness. It is considered this omission could lead to the policy failing the 'Basic Conditions test' at Examination.</p> <p>Final sentence – delete "...and settlement boundaries" since settlement boundaries have nothing to do with valued landscapes and vistas.</p>

Page number	Section and Policy	Comment
Page 61	Policy NNE5 – Explanation	There is no mention that a large amount of the Parish/Neighbourhood Area is located within the Arden Special Landscape Area (referenced in Core Strategy Policy CS.12). It is suggested this is relevant and should be included.
Page 62	Chapter 5.4: Natural Environment [Policy NNE6 – Ecological Surveys]	Suggest amending the first paragraph to read: "...developments may have an <u>unacceptable adverse</u> impact on a site..." and after "...will be expected to provide...", add "where necessary:"
Page 62	Policy NNE6 – Explanation [Paragraph 5.4.21]	Suggest amending the second sentence to read: " <u>In appropriate circumstances</u> , applications need to be supported..." to build in necessary flexibility.
Page 64	Chapter 5.5 – Infrastructure [Strategic Objective]	The Strategic Objective refers to flood defences, but nowhere in the Plan is it shown where these are located. There are no rivers or large watercourses running through or close to the village, so this needs to be clarified in order for this reference to remain in the Plan.
Page 64	Chapter 5.5: Infrastructure [Policy IN1 – Infrastructure Criteria]	It is noted that flood defences are not referred to in Policy IN1. Is this an oversight? Criterion (a) – suggest amending to read "...has been adopted <u>and incorporated</u> ..."
Page 65	Chapter 5.5: Infrastructure [Policy IN2 – Drainage and Flooding]	First paragraph – states that development should not be located within Flood Zones 2 or 3. However, none of the Parish/Neighbourhood Area is located within Flood Zones 2 or 3 according to EA mapping on the District's GiS system. The policy makes reference to Bearley Brook – where does this run? Is it within the village? This should be mapped [including the associated Flood Zone], particularly if this policy is specifically referring to it. This could be added to Figure 13. Second paragraph – please amend first sentence as follows: Appropriate Sustainable Drainage Systems should be incorporated <u>where necessary</u> into new developments..." to build in necessary flexibility, since not all development will require such infrastructure. What is the 'Bearley Brook Flood Alleviation' alluded to in the final paragraph of the policy? What development would contribute toward this [scheme]? Does this mean all development (including extensions to dwellings) should contribute? If so, this seems too onerous. Contributions to such schemes would normally only be through 'major' development, which won't take place in the Neighbourhood Area due to Green Belt restrictions, except possibly in relation to the potential re-development of the Bearley Mill site, which isn't the subject of a specific policy in the NDP. The final sentence tasks SDC and WCC with seeking contributions toward future maintenance of Bearley Brook. Have both Authorities agreed to this? How/when should SDC and WCC seek contributions? This is not explained or justified at present.
Page 68	Chapter 5.6: Amenities etc [Policy AFC1 – Protecting Existing Facilities]	The first paragraph of the policy is descriptive and should be removed from the Policy and relocated in the Explanation. The Policy does not discuss the potential loss or threat of loss of community facilities and viability. It is suggested the following paragraph is added to the Policy:

Page number	Section and Policy	Comment
		<p><u>"The loss of existing community facilities will not be supported unless it can be demonstrated that the facility is no longer viable or the facility is no longer in active use and has no prospect of being brought back into use"</u>. This would bring it in line with Explanatory text at paragraph 5.6.2.</p>
Page 69	Chapter 5.6: Amenities etc [Policy AFC2 – Encouraging Safe Walking and Cycling]	<p>First two sentences - This wording is not policy but is rather a description. Additionally, the second sentence is unreasonable, expecting all developments to enhance and expand PROWs. Therefore it is suggested the sentences are replaced with the following: <u>"Proposals that protect, enhance expand and promote the positive use of public rights of way will be supported"</u>.</p> <p>Third sentence – it is not clear what is meant by "Developments must also demonstrate positive contribution towards pavements..."? </p> <p>Final sentence – suggest amending to read: <u>"Proposals adversely affecting or failing existing walking and cycling routes or which fail</u> to encourage appropriate new walking and cycling opportunities will be resisted <u>not be supported</u>" for clarity and common language throughout the Plan.</p>
Page 70	Chapter 5.7: Managing Aspirations [Policy MA1]	This is not appropriate as a policy in a land use Plan, since it is more of a monitoring strategy.
Page 71	Chapter 5.7: Managing Aspirations [Policy MA2]	This is not appropriate as a policy in a land use Plan, since it is more of a pledge.