

Tanworth-in-Arden Neighbourhood Development Plan

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

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

Policy related comments:

Section	Reference/ page	Comment
General	-	It is noted that the Plan is currently limited in addressing issues of sustainability and climate change. Stratford-on-Avon District is currently preparing a new Part V: Climate Change Adaptation and Mitigation of the adopted Development Requirements SPD, to introduce guidance on how development proposals can adapt to and mitigate the effects of climate change. This is as a Climate Change Emergency has been declared by Stratford-on-Avon District Council. As such, it is suggested that the NDP could also consider introducing further policies to address and encourage climate change adaption and mitigation measures, for example by considering renewable energy, managing flood risk, sustainable transport, etc.
Introduction	Paragraph 1.6 (p. 4)	Given the time it has taken to progress the NDP, there are concerns that the Household Survey (2015), Business Survey (2016) and Local Housing Needs Survey (2016) will become out of date. By the time the NDP is 'made', the evidence will be 5+ years old. As such, the Parish Council should be aware that this evidence base will likely need revising within the next 2-3 years.
Introduction	Paragraph 1.9 (p. 4)	Suggest that this paragraph should note that the Parish is located within the designated Arden Special Landscape Area.
Introduction	Paragraph 1.16 (p. 5)	To only list a 'protective' key aim of the Plan sells the Plan short (given the housing policies promoting local needs housing and windfall development). This should be re-drafted to promote other 'proactive' elements of the Plan.
Introduction	Paragraph 1.19 (p. 6)	There are a number of differences between the BUABs being promoted through the NDP and the BUABs outlined in the SAP. It is not clear how the BUABs in the NDP have been arrived at (i.e. no published methodology). It is considered that you will need to set out what criteria you have used, particularly since you appear to have treated some garden land differently (i.e. excluded it from the BUAB). This raises a question of consistency of approach.
Housing	Paragraph 2.9 (p. 9)	This paragraph does not list the full and accurate definitions as set out in Policy AS.10 of the Core Strategy. If they are to be included in the NDP, they need to be copied over fully since some important elements of the policy have been left out.
Housing	Paragraph 2.14	It is unclear whether other sites had been identified and rejected. Were landowners invited to

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Housing	(p. 9) Policy H1 (Meeting Local Housing Needs (1) p. 10	<p>submit sites for consideration? Evidence of the process needs to be made available.</p> <p>Criterion(1) - the phrase 'exclusively or predominantly affordable housing' is not clear</p> <p>In the interests of clarity, it is suggested to amend criterion (2) to read "The development itself, along with the tenure and occupancy of the properties ..."</p> <p>Criterion (2)c) looks to restrict subsequent extensions/modifications to the properties. This does not look to prevent an/all enlargement. However, it does not state how this would be restricted, or what future increases would be appropriate and how they would be assessed. Would Article 4 directions be considered to remove some/all Permitted Development rights? If via the removal of PD rights, recent appeals have shown that this is not reasonable in many cases. Has consideration been given to what an 'appropriate' future extension might be? It must be remembered that whatever is decided, this policy must comply with national and District Green Belt Policy.</p> <p>Again, in the interests of clarity, criterion (3) should preferably be deleted and consolidated within criterion (2) or, as a minimum, be amended by deletion of the words "... for rent ..." (this is in order to make it clear that all properties – including those for sale – will be subject to local occupancy restrictions).</p> <p>If criterion (3) is to be deleted, as recommended, it would be further recommended to include the addition of a further sub-clause (2) d as follows:</p> <p>"d. the occupancy of all properties is restricted to households with a qualifying local connection in accordance with the principles outlined in paragraph 2.17 below."</p>
Housing	Paragraph 2.17 (p. 10)	<p>This provides supporting text to both Policies H1 and H2, and outlines the nature of the local occupancy restrictions that will apply to any properties developed under those policies. Whilst the principles are well-established and unlikely to change, the fine detail of planning obligations is subject to periodic review and change. For this reason, there are dangers in attempting to summarise the detail of what are actually quite sophisticated arrangements when those details could change over time to reflect current best practice. It also makes no explicit mention of the need for local occupancy 'cascade' mechanisms, without which housing associations would not be prepared to develop. Although this is perhaps implicit in the use of the words "first instance" in (2)a. there is an element of ambiguity. Also, since the time comments were provided on the pre-</p>

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		<p>publication draft of the Plan, the District Council has adopted Supplementary Planning Guidance on this matter, and it would be preferable to refer to that Guidance in the supporting text. As this text is also applicable to Policy H2 there is also a need to ensure the two align.</p> <p>It is therefore recommend that para. 2.17 be deleted and replaced as follows: "To ensure that all development under Policy H1 or H2 contributes directly to resolving local housing need, appropriate tenures and occupancy controls will be secured under a planning obligation ('Section 106 Agreement'). Such obligations will regulate the letting and sale of the properties in question, in order to ensure that households with a qualifying local connection to the Parish of Tanworth-in-Arden are always given first preference to live in those properties. Further guidance on this matter is provided in Part S of the District Council's Development Requirements Supplementary Planning Document, to which regard will be had when drawing up the necessary obligations."</p>
Housing	Policy H2 (Meeting Local Housing Needs (2) p. 11	<p>It is not clear why this policy does not have clause 4 of Policy H1 (density and layout etc.) since they are very similar in all other respects.</p> <p>Criterion (1) refers to "... and other housing needs referred to in this Plan. It is taken that this means need for smaller local market properties as summarised at para. 2.8. Clarity on this point is important.</p> <p>As per Policy H1, Criterion (2)c) looks to restrict subsequent extensions/modifications to the properties. This does not look to prevent an/all enlargement. However, it does not state how this would be restricted, or what future increases would be appropriate and how they would be assessed. Would Article 4 directions be considered to remove some/all Permitted Development rights? If via the removal of PD rights, recent appeals have shown that this is not reasonable in many cases. Has consideration been given to what an 'appropriate' future extension might be? It must be remembered that whatever is decided, this policy must comply with national and District Green Belt Policy.</p> <p>Not convinced that para (3) for additional off-street parking for the adjacent train station can be insisted upon – what is the basis for this and how could it be ensured?</p>
Housing	Para. 2.20, 2nd sentence. (p. 11)	<p>Consistency with criterion 2c. of Policy H2, as well as criterion (2)c. in Policy H1 is important. One refers to "conveyancing arrangements" (presumably, restrictive covenants); the other to planning conditions. Further discussion on the best approach would be useful before the wording</p>

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		of both policies and this text is finalised.
Housing	Policy H3 (Village Boundaries) p. 11	<p>Suggest amending first sentence of policy to read “Proposals for new dwellings within the village Built up Area Boundaries (BUABs), as defined in the three Inset Proposals Maps under paragraph 1.19, will be supported in principle subject to Core Strategy Policy CS10, Green Belt policy and other policies in the Plan.” As several policies are relevant to the policy.</p> <p>Second sentence of policy, it is recommended to change NPPF year to 2019 and remove “criterion (i)” since the entire policy is relevant. It is also suggested to expand upon the meaning of NPPF para 145, and also to say any Act or policy which supersedes to the same effect.</p>
Housing	Policy H4 (Brownfield Sites) p.12	<p>Suggest amending criterion b) to read “Any remedial works to remove contaminants, <u>as previously agreed by the Local Planning Authority,</u> are satisfactorily dealt with”</p> <p>Suggest new criterion d) ‘safe and suitable access and parking arrangements would be provided to the new site’ and re-assign criterion d) as e).</p> <p>Suggest amending final para to read: “The re-development of brownfield land will be restricted to the area occupied by permanent buildings and structures only and not its wider undeveloped curtilage” in order to ensure greenfield land is not included.</p>
Housing	Policy H5 (Use of Garden Land) p. 12	<p>Criterion (2) would preclude garden land development in the majority of cases (was that the intention?).</p> <p>Criterion (5) of the policy is unnecessary as all policies should be read as a whole with other policies in the Plan. Recommend this point is deleted.</p> <p>Consideration is needed as to whether this Policy is fully consistent with Policy H4.</p>
Housing	Policy H5 (Use of Garden Land) p. 12	It is not considered that Criterion (4), regarding the requirement to not result in additional off road parking, is a reasonable requirement. It is not clear why off-road parking would seemingly be less acceptable than on-road parking.
Housing	Policy H5 (Use of Garden Land) p. 12	Explanatory text – not all gardens have been included within the BUABs in the NDP. An explanation is required as to why some are ‘exceptional cases’ (see comment on BUABs above).
Housing	Policy H6 (Management of change in the	The underlying justification for this Policy is supported, especially as a means of reducing pressures on limited affordable housing stock. However, the issue of ‘acceptable’ scale of extensions and modifications is a way of assessing whether or not development is appropriate or

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	housing stock) p.13	<p>inappropriate in the Green Belt, not a measure of controlling housing stock in terms of the number of bedrooms a dwelling has.</p> <p>More fundamentally, this policy appears to be looking to restrict an owner’s right to do what they wish with their own property [subject to the necessary approvals]. How does this comply with national and District policy on such matters? It is also not clear how policy H6 interacts with the other housing policies. It is considered that this policy would require fully justified local evidence in order to meet the Basic Conditions test at Examination.</p> <p>The following additional observations are made:</p> <p>Criterion 1) – It is unclear if this is intended to new or replacement dwellings, or both. It would be appropriate to cover replacement dwellings, as well as extensions.</p> <p>Additionally, it is considered that there must already be a large number of existing dwellings in the Neighbourhood Area that have more than 3 bedrooms. How does this policy consider larger dwellings in the existing housing stock? It is also unclear what is meant by the term ‘or the equivalent’. The way Paragraph (1) is worded, it seems to be providing a ‘get out clause’ in that if it can be argued by an applicant that a 3 bedroom property would appear incongruous close to larger properties since it would ‘damage the character of the local area’, then the policy creates the caveat that potentially larger dwellings may be appropriate if they do not damage the character of the local area. Therefore, the policy would not achieve its intentions.</p> <p>Criterion (2) – the reference to “suburban” sites is questionable.</p> <p>Criterion (3) - appeals demonstrate this is not reasonable or necessary in many cases, and national legislation does not differentiate between Green Belt/non-Green Belt land in this regard. It is essential that explanatory text is included to explain what regard has been had to national guidance on this matter.</p> <p>Criterion (4) – concern is raised over this criterion - this wording has been used in other NDPs that are washed over by the Green Belt (Snitterfield, Policy BE3 for example) but has been incorporated within a policy that deals specifically with design and character matters. It is debateable whether this can be justified as a reasoned justification for attempting to control the stock of housing in the neighbourhood area. It is considered the local justification for the 30%</p>

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		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.
Housing	Paragraph 2.30 (p. 13)	This paragraph should be re-considered, as it could be considered self-defeating and restrict considerably the scope of the policy.
Economy	Policy E1 (Existing Business) p. 14	First sentence of policy – suggest also including “providing it complies with Green Belt policy”
Economy	Policy E2 (Loss of local services) p. 15	<p>This policy refer to local services but there is no clear explanation or definition of what such local services are or include. The policy appears to address local employment sites and uses. For clarity, it is suggested to amend the policy to refer to local employment sites/uses rather than local services. The following amendments are therefore suggested:</p> <p>Amend the policy title to read: “Loss of Local Employment Sites”.</p> <p>In the first paragraph of the policy, replace “services” with “employment opportunities” and replace “permitted” with “supported”.</p> <p>Criterion (1) amend to read: “There is a sufficient supply of sites within the Parish to meet current and future local employment needs”</p> <p>Criterion (2) replace “providing the service for which it is used” with “meeting employment needs”</p> <p>Amend explanatory text to replace “local shops and services” with “local employment uses” on first sentence. Last sentence – replace “service” with “employment use”.</p>
Economy	Policy E2 (Loss of local services) p. 15	The Explanation states that marketing results could be used to assess proposals that fall under the policy criteria, but does not specify how these should be undertaken or a length of time such marketing should be undertaken for. It is suggested to include marketing criteria to support this policy so that Planning Officers can consistently assess applications that fall under this policy.
Economy	Policy E3 (Home working) p. 15	Point 1 of the policy requires an 'appropriate level of off-street parking to support both purposes', but it is not clear what would consist of an 'appropriate level'. Suggest the policy provides clarification of what is meant by this.

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Economy	Policy E3 (Home working) p. 15	This policy should acknowledge that such adaptations usually don't need planning permission. Suggest inserting "Where planning permission is required..." at the start of the first paragraph, since internal adaptations will not require consent and cannot be affected by the policy. It is also noted that there is no policy encouraging new dwellings to provide space to support homeworking – is this an omission?
Economy	Policy E3 (Home working) p. 15	Suggest adding to point 3) 'and comply with Green Belt policy'
Economy	Policy E4 (Sustainable local tourism and leisure) p. 15	Suggest amending policy to read: "Small scale expansion and enhancement of buildings in connection with local tourism and leisure uses will be supported where they are compatible with neighbouring uses and can be shown to maintain or enhance the character and appearance of the immediate surroundings, and comply with Green Belt policy"
Infrastructure	Supporting Actions p. 17	The Supporting Actions should be clearly separated from the policies so as to make it clear that these are not land-use planning policies. It is suggested to place these within a separate Appendix to the NDP for clarity, or to place these within separate boxes outside of, and clearly subordinate to, the main policies so that they cannot be confused with the Neighbourhood Plan land-use planning policies.
Infrastructure	Policy I1 (Local Railway Stations) p. 17	<p>It is unclear how this policy could be insisted upon. Specifying 'up to a dozen additional spaces' has not been justified and should be deleted. There is also no reference to Green Belt Policy. Have the Parish identified areas which they consider would be suitable for car park expansion?</p> <p>It is also unclear why the policy title is in larger/different font to other policy titles in the Plan. For clarity, all policy title should be in the same font/size and clearly defined from the main policy wording.</p>
Infrastructure	Policy I2 (Improving broadband and mobile telephony service) p. 17	<p>The policy wording is unclear in whether it is requiring or just encouraging the delivery of improved telecommunications and broadband services. Additionally, some telecommunication development may fall under Permitted Development rights. As a suggestion, should all new residential or commercial development within the Neighbourhood Area be expected to include the necessary infrastructure to allow future connectivity to high speed broadband/internet?</p> <p>It is suggested that you consider policies E4 and E5 in the 'made' Claverdon NDP should you wish to consider alternative policies to achieve the same ends.</p>
Infrastructure	Paragraph 4.11 (p. 18)	This paragraph reads more as a 'Supporting Action' rather than explanatory text. Suggest it is moved accordingly to a separate 'Supporting Action' section/Appendix. Additionally, the second sentence of this paragraph should refer only to the Parish Council as a Neighbourhood Plan could

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Built Environment	Policy BE1 (Responding to Local character and Design Principles) p. 19	<p>not require the District Council to take action in this way.</p> <p>Although the factors identified are generally relevant, most forms of development schemes do not require Design and Access Statements. Suggest revised wording changed to acknowledge this, as follows:</p> <p>First paragraph: Delete "in Design and Access Statements submitted with applications" and also delete "in particular". Add a new second paragraph: "The following important design principles should be addressed by all development proposals:"</p> <p>Criterion 1: delete "prevailing general" and replace "setting" with "environment" Criterion 2: replace "structure" with "hierarchy" Criterion 4: this specifies particular materials that would be supported: this can be dangerous as an otherwise poor scheme, with these materials included, could still be seen to meet this policy. Criterion 6: replace "the effect on street views" with "their settings". Should add words to the effect of "... in-line with national criteria". Criterion 7: deleted "such as windows". Should add words to the effect of "... in-line with national criteria" Criterion 8: delete "to" Final paragraph – add "criteria" after "above" and add "or discourage" after "preclude"</p> <p>There is also no mention within the policy of the impact of proposals on the openness of Green Belt and the purpose of the Green Belt – it is suggested that this should be included within the policy wording. It is also suggested that reference to the Special Landscape Area should be included within the policy.</p>
Built Environment	Policy BE 2 (Car parking) p. 20	<p>It is noted that the car parking standards within this policy differ to those within the adopted SDC Development Requirements SPD (Part O). The Development Requirements SPD states that houses with 4+ beds should provide at least 3 allocated spaces. Standards are also provided for non-residential developments and visitor spaces within the SPD. In general, justification for this policy needs to be provided as to why different standards to the SDC Development Requirements SPD are proposed in the draft NDP. Local evidence needs to be provided as to why different standards are appropriate.</p> <p>Bullet point No. 1 appears to be endorsing the use of car ports, suggest rewording to clarify. Bullet point No.3 needs to be revised or deleted as it is too vague - all schemes are looked at on</p>

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		<p>their own merits and in the context of the site, residential or non-residential. It is suggested non-residential development should adhere to the adopted Development Requirements SPD standards, or alternative standards should be provided supported by appropriate local evidence and justification.</p> <p>It is also suggested that an additional provision could be made for support for the provision of Electric Vehicle Charging Points (EVCPs).</p>
Built Environment	Policy BE3 (Preservation of Historic Heritage) p. 20	'Less than substantial harm' may also be relevant. The wording of the policy is more simplistic than the NPPF (see paras 195/6 in particular) and should be reworded accordingly.
Natural Environment	Policy NE1 (Landscape and Valued Views) p. 21, 1st para	<p>It is considered that the policy should also refer to the Arden Special Landscape Area, as the Neighbourhood Area is entirely located within this designated SLA and will be an important consideration.</p> <p>Development proposals should demonstrate more than 'regard to the local landscape character'. Suggest phrase is replaced with 'taken fully into account'.</p> <p>It is suggested that the policy could include a requirement for the impact on the views to be identified and addressed by the applicant in the form of appropriate landscape and visual impact assessments and, where necessary, accompanied by mitigation proposals – particularly as the Neighbourhood Area is entirely located within a Special Landscape Area.</p> <p>It is noted that the explanatory text refers to CS.5 but not CS.12. It is considered that CS.12 should also be discussed in the context of this policy, as it relates to development proposals within the Special Landscape Area.</p>
Natural Environment	Policy NE2 (Protection of Local Wildlife Sites) p. 22	<p>It is queried whether this policy is necessary - the policy merely duplicates CS.6 of the Core Strategy, and Neighbourhood Plan policies should not seek to duplicate existing Local Plan policies.</p> <p>If it is desired to retain the policy, it is suggested that the following amendments are made:</p> <p>The policy heading does not cover all matters listed within the policy, therefore the policy heading should be revised.</p>

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		<p>In 1) and 2) replace 'permitted' with 'supported' as the Parish Council is not the determining authority for planning applications. In 3) it is not certain that potential Local Wildlife Sites and other undesignated local sites can be safeguarded as they have no status, although it is appropriate for their biodiversity value to be taken into account.</p> <p>In addition, the wording of the policy should make some reference to protection and enhancement of natural environment as a whole within the NDP area. The policy safeguards existing sites, however does not particularly encourage new ecological habitats and networks.</p>
Natural Environment	Policy NE3 (Local Green Spaces) p. 22	The policy should also state that development proposals within a Local Green Space will be managed in accordance with those in Green Belts, as per para 101 of the NPPF.
Natural Environment	Policy NE3 (Local Green Spaces) p. 22	Large, detailed maps of the proposed LGS sites should be included under this policy so that their proposed extent and location is clear.
Natural Environment	Policy NE3 (Local Green Spaces) Paragraph 6.11 (p. 22)	This paragraph does not refer to all the criteria within para 100 of the NPPF used to assess Local Green Spaces and justify their designation. It is essential that this section should make clear that all of the proposed LGS sites have been assessed and comply with the relevant NPPF criteria for LGS designation.
Appendix A - Character & Landscape Assessment Statements	p. 23	Line 6 states that planning applications should be accompanied by a Design and Access Statement. As within the SDC comment relating to Policy BE1, this reference to Design and Access Statements should be deleted/amended as not all applications require Design and Access Statements, nor could it be insisted upon within the Neighbourhood Plan.
Appendix B – List of Non-Designated Heritage Assets	p. 25	Paragraph 1 states that: "Policy BE 3 extends the protection that is enjoyed by Listed Buildings to the buildings that are of local significance in the Parish environment, and are listed below.". This is incorrect as the protection of non-designated assets differs to that of designated assets, as prescribed in the NPPF (para. 197). It also does not reflect the wording of policy BE3. This paragraph should be amended accordingly to reflect national policy guidance.
Appendix B - List of Non-Designated Heritage Assets	p. 25	The second paragraph states that the list of buildings is compiled from surveys of the Parish. It is considered that details of how these surveys were undertaken and how to view these surveys should be included in this section.
Appendix C –	p. 27	This Appendix does not make any reference to the Green Belt or SLA designation within the

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Valued Views		Neighbourhood Area.