

## **BRANDON & BRETTFORD NEIGHBOURHOOD PLAN - RESPONSES TO EXAMINER'S QUESTIONS**

### **FUTURE DEVELOPMENT ISSUES**

It is agreed that the Neighbourhood Plan should reflect the latest position with regard to both the emerging Rugby Local Plan and the two major applications that have been submitted within the Parish which concern the proposed redevelopment of the Oakdale Nursery Site and the Stadium Site which are the subject of policies within the Plan.

Updated position: on Brandon Stadium: The application for the redevelopment of Coventry Stadium was made valid on the 16<sup>th</sup> January 2018 and is still awaiting a decision. The application is an outline for the demolition of the existing buildings on the site and for residential development of up to 137 dwellings. The Local Plan Inspector included comments on the Stadium site and recommended modifications be made to Policy HS4 to include explicit reference to sporting facilities in order to make the Local Plan sound.

Updated position on Oakdale Nurseries: An application for the redevelopment of Oakdale Nurseries was made valid on the 25<sup>th</sup> January 2018. This application is also still awaiting a decision. The application is an outline for a 'Care Village' residential retirement development including a care home, assisted living units, and a children's day care nursery.

The Local Plan Inspector wrote to the LPA in May 2018 to recommend main modifications to make the Local Plan sound. The Council has consulted on the main modifications and following the closure of the consultation period in early October 2018 the Council is now awaiting the Inspector's report. It is anticipated, although not yet confirmed, that the Inspector's report will be sent to the LPA in December with the adoption of the Plan being considered by the LPA early in the New Year. In light of this the Parish Council believe that the Neighbourhood Plan should reflect the policies in the Local Plan where they will change matters affecting the Parish such as the Brandon Stadium site, as it is extremely likely that the Local Plan will be adopted before the Neighbourhood Plan could proceed to referendum.

The Parish Council would welcome the Examiner's views on how best to reflect the Local Plan policy where it up-dates matters such as the Stadium site which were not addressed in the Core Strategy and where other aspects such as the spatial distribution have changed in the emerging Local Plan.

### **VISION STATEMENT & STRATEGIC OBJECTIVE**

It was not thought necessary to number this section of the NP because it contains statements of the main objectives rather than written paragraphs. However, if it is felt more consistent to include numbering of each objective then this would be perfectly acceptable.

The word "it" does refer to the Neighbourhood Plan so the text can be amended to make this clear.

The concept of having "strategic objectives" set out in the NP was "borrowed" from several other NPs which have used the same terminology and have been made. However if the Examiner prefers the use of an alternative word to replace "strategic", the Parish Council would propose "Over-arching objectives".

## POLICIES IN GENERAL

Again, much of the terminology and making references to policies needing to be in conformity with other policies in the NP and in the Local Plan and NPPF, was “borrowed” from other made NPs. However, it is accepted that where the reference is not used this could confuse matters which was not the intention. The Examiner’s suggestion of there being an introductory paragraph in the Plan is supported.

### H1

Yes the map showing the Inset boundary for Brandon is the same as the one in the Core Strategy. The LPA is happy to provide an updated map with a clearer boundary line.

Policy H1 is more permissive than the CS policy as it reflects the emerging Local Plan policy. This and other similar points raised by the Examiner reflect the point made under “Future Development Issues” that the NP should be more reflective of the policies in the emerging Local Plan than those of the Core Strategy. This matter has been discussed with the Council’s planning policy officers who agree that, given the weight that the emerging Local Plan, and Policy GP2 which had no modifications proposed, that all development within the inset boundary would be acceptable in principle, it is felt this approach is acceptable. The Local Plan is proposed to be adopted in January 2019 which may fall in line with the Neighbourhood Plan when the Cabinet meeting and referendum is organised.

The Parish Council considers that Policy H1 should be in conformity with Policy GP2 in the emerging Local Plan and is happy for the Examiner to propose changes to the Policy wording that reflect this position.

### H2

The Examiner’s point about the potential conflict with the Core Strategy repeats the same issue as to the extent to which the NP should reflect the emerging Local Plan and policies in the NPPF with regard to brownfield land rather than the soon to be superseded Core Strategy. The Parish Council considers that Policy H2 is consistent with the emerging Local Plan and the NPPF and wish to retain it subject to the further observations below:

The Parish Council do not believe that there is an internal conflict between Policy H2 (b) and Policies E1 and LF1 but if it assists then the use of cross referencing to these policies can be included. The intention of seeking to protect the loss of the existing use unless the benefits of redevelopment would outweigh the loss of the use being replaced, was to set out the circumstances where a change of use would be acceptable. To make it clearer how the benefits of an alternative use would be assessed, additional explanation could be included in the text supporting the policy to refer to such considerations as the economic/community benefits of redevelopment and the considerations set out in criterion c.

With regard to criterion c, the Parish Council would invite the Examiner to suggest alternative wording to remove reference to “character” to be replaced with considerations such as “visual impact” and “appearance”.

Criterion d was proposed by a consultee in the consultation on the Draft NP but the Parish Council agrees with the Examiner that it can be deleted.

The Parish Council wish to keep Policy H2 as amended rather than combine it with Policy H5 which is a different Policy objective.

The Parish Council accepts the Examiner's concern about the illustration "Brandon on the Hill" and would agree to its deletion.

The Transport Appraisal was commissioned by the Parish Council to examine the concerns raised in the survey of residents and businesses about vehicle movements and speeds within the Parish. These concerns were voiced by many local residents and it was decided to engage specialist consultants to investigate what, if anything, could be done within the Neighbourhood Plan to address the concerns. Having received the Transport Appraisal with its recommendations for ways to mitigate the concerns, it was agreed by the Parish Council that as the NP would not contain specific development proposals which could help to implement some of the suggested highway measures to reduce traffic speeds and improve road safety, then the recommendations set out in the Transport Appraisal could not be used to justify specific policies on Highway use and safety. It was therefore decided to incorporate general policies on Highways (a matter to be picked up later under Infrastructure) and refer to the Transport Appraisal as a background report appended to the NP but to reflect community aspirations rather than policy. The Transport Appraisal has not been updated because it has not been relied upon to inform policies in the NP.

### POLICY H3

The purpose of policy H3 is to reflect emerging Local Plan policy on affordable housing to ensure that the NP is not silent on the issue as the survey of residents identified the lack of affordable housing in the Parish as an issue the NP should try to address.

The Parish Council accepts that sites of over 10 dwellings will be limited and it was not intended to lend support to the potential redevelopment of brownfield sites such as Brandon Stadium. The Policy was included to reflect the policy on Exception Sites as set out in criterion f of paragraph 145 of the 2018 NPPF. The Parish Council would invite the Examiner to suggest changes to Policy H3 to reflect this intention.

### H4

The need to try to encourage specialist housing for the elderly and infirm was again to respond to concerns raised in the survey of residents and businesses. Although it is acknowledged that the villages of Brandon and Bretford have limited local facilities, both villages are close to facilities in the neighbouring villages of Wolston and Binley Woods as well as the extensive facilities within the eastern areas of Coventry near to the A46 and Brandon has good bus links to all of these locations. The Parish Council wish to retain this Policy which is not meant to propose locations beyond the Parish boundary but would invite the Examiner to suggest ways of making the intent of the Policy clearer.

### H5

The Parish Council accepts the Examiner's concern that the Policy is not positively expressed but wish to retain the Policy in amended form. The Parish Council would be happy for the wording to be amended so that the policy reads "...will be supported where..." in order to achieve the same policy

aim but express this positively”. The Parish Council invites the Examiner to consider this alternative wording to address the concern being raised and to frame the policy in a positive way.

#### E1

Similar to Policy H5, the Parish Council agrees that Policy E1 should be positively worded to allow redevelopment/re-use providing the considerations to protect the loss of employment land, as set out within the Policy, are not prejudiced. A change of wording to read “... will be supported where...” is suggested. The Examiner is invited to consider this change to the Policy wording.

#### E2

The intent of the Policy is to encourage new employment opportunities to be developed as either new businesses or extensions to existing businesses in line with the emerging Local Plan. It is intended that these would be small-scale and targeted to offer local employment opportunities and that this could be defined in the supporting text to clarify what is intended.

#### CON 1

This was another Policy “borrowed” from a made NP and its purpose is to highlight the objective of protecting the heritage assets within the Parish to reflect another major concern that was identified from the survey of residents. It is agreed that the policy would benefit from listing the built heritage assets within the Parish which the Policy is aimed at protecting. In addition to the Brandon Conservation Area, the list of built heritage assets is:

#### **Scheduled Ancient Monuments**

Brandon Castle  
Barrow Cemetery

#### **Grade 2 Listed**

Ice House in Brandon Little Woods  
Ryton Bridge  
K6 Telephone Kiosk  
Avon Viaduct  
Thatched Cottage, Main Street  
Ivy House Farmhouse  
Goodrest Cottage  
Wolston Bridge  
Bretford Bridge  
Tiddly Bank Cottage  
Woodcroft  
The Hollies  
Ivy Cottage Farmhouse  
Oakdene

## CON 2

The Parish Council accepts that the detailed points raised by the Examiner need to be addressed and that the Explanatory text needs to be corrected to ensure accuracy and consistency. In addition, a list of Natural Heritage assets within the NP area, as set out below, should be included.

### **SSSIs (2)**

Brandon Marsh  
Ryton and Brandon Gravel Pits

### **Local Wildlife Sites (5)**

Brandon Marsh Sheep Field  
Brandon Little Wood  
Grassland adjacent to Brandon Wood  
River Avon & Tributaries  
Sally's Hole

### **Potential Local Wildlife Sites (4)**

Bike Track  
Railway Verge  
The Pools, Black Spinney & Long Spinney  
Grassland West of Piles Coppice

### **BNE1 and BNE2**

The Parish Council understands the Examiner's detailed points with regard to Policies BNE1 and BNE2. Although combining the two policies would make some sense, it would make for a very long policy which does try to deal with two related but separate considerations. Again these policies were taken from made NPs but the Examiner is invited to suggest the most appropriate way of rewording or combining the policies.

### **BNE 3 and BNE 4**

The Parish Council considers that policies specific to designing out crime and considering light pollution are important issues that merited separate policies but again would invite the Examiner to propose how the objectives of the policies would best be handled.

### **BNE 5**

The Policy was drafted to reflect Policy H5 in the submitted Local Plan. That Policy is the subject of main modifications which include the deletion of the reference to the 30% rule which the LPA used to apply. The modified wording for H5 in the Local Plan reads as follows:

#### ***Policy H5: Replacement Dwellings***

*The replacement of dwellings within the Countryside and Green Belt will be permitted provided that:*

*a) The form and bulk of the new dwelling is not materially larger than that of the original dwelling<sup>1</sup> or that which could be achieved as permitted development, and*

*b) The new dwelling is not more intrusive in the landscape than that which it replaces; and*

*c) The new dwelling has substantially the same siting as the existing; and*

*d) The existing dwelling to be demolished is not of historic merit.*

*The removal of permitted development rights by condition may be included in any approval.*

<sup>1</sup> *The term 'original dwelling' means the house as it was first built or as it stood on 1 July 1948 (if it was constructed before this date).*

For consistency the Parish Council would propose that the NP reflects the modified wording.

#### BNE 6

The Parish Council believes this Policy is appropriately worded and is important to the NP and hence wishes to retain it as written. The Policy and the supporting text have been influenced by comments received from the County Council and the Warwickshire Wildlife Trust through the consultation on the draft Plan but it is agreed that the Policy should reference the Princethorpe Woodlands Living Initiative and the Biodiversity Action Plan. The Examiner is invited to suggest appropriate wording and any consequential changes to the supporting text. The reference to opening up culverts is believed to be a policy promoted by Natural England.

#### BNE7

The Parish Council agrees with the Examiner's observations and accepts that only the Brandon Village Green is not already protected by Green Belt policy. Consideration has been given to removing the Policy but the Parish Council would prefer if it is retained but only identifies the village green. A map and suitable photographs will be added.

#### BNE 8

The Parish Council has carefully considered the Examiner's comments on this Policy and agrees that the Policy needs further clarification and illustration to make its intent clearer.

The Parish Council considers the Policy is an important objective within the NP and one that reflects many views received in the resident's survey, especially within the area referred to as Brandon Hill where issues of identity and potential coalescence exist. However it is accepted that a map and illustrations/[photographs identifying valued vistas open spaces should be included.

#### INF 1-5

The Parish Council decided to include policies on infrastructure because many comments received from the resident's survey highlighted concerns with roads, flooding and digital communication. It was thought that omitting any policies to try to address these concerns would be seen by residents and businesses in the Parish as neglecting to deal with recognised concerns.

The points raised by the Examiner are understood and accepted. The Parish Council agrees to remove all Infrastructure policies from the NP to address the Examiner's concerns and suggests that they be appended as community aspirations instead.

## LF1

In response to the Examiner's observations it is felt that the Policy should remove reference to the specific community facilities (the two pubs and Brandon Club) and should instead list in the explanatory text all of the community facilities within the Parish. One obvious omission is Brandon Hall Hotel which provides community facilities for local residents as well as hotel guests.

Many residents have cited Brandon Stadium as a valued community facility. The stadium was not specifically listed in the policy because the Parish Council failed to get the Stadium designated as an Asset of Community Value. A number of responses to the survey of residents and local businesses on the future of the Stadium made reference to it being valued within the community and wanted to retain it as a Stadium or, if redevelopment was to take place, that community facilities would be included in any such scheme. The Policy was aimed at trying to reflect these views and the Parish Council would invite the Examiner to suggest ways of amending the Policy in light of these comments.

## LF2

The Parish Council accept that the wording of the Policy could be improved to address the specific points raised. It is agreed that a map of rights of way should be included.

## Potential Development Sites

The Parish Council Steering Group drafted the wording of Policies PDS1 and PDS2 to reflect the significant number of responses to the survey of residents and businesses about both of the sites which at the time were the subject of much rumour and speculation. At a public meeting of residents in Summer 2017 that was held to exhibit draft policies and to invite comments, the future of both of the sites was the main talking point.

Planning applications for both sites have been submitted and these have generated a significant number of representations from residents in the Parish as well as other interested parties. The Parish Council is strongly of the opinion that if the NP was not to include policies specific to the possible future redevelopment of both sites, residents and businesses within the Parish would question the whole purpose of having a NP which avoided having policies that tried to influence the way in which any redevelopment of the sites came forward.

Neither the Core Strategy nor the emerging Local Plan contain policies that mention the future of either site, albeit the Local Plan Inspector did suggest modifications to reference the Stadium and to acknowledge its past use for as sporting use. Whilst a Local Plan cannot be expected to have policies to address specific sites that may come forward within the Plan period, the Parish Council considers that one of the primary purposes of Neighbourhood Plans is to include policies aimed at shaping future development within the NP area where this aligns with Local Plan and National Planning policies. This reflects the definition of Neighbourhood Planning in the Government's NPPG as copied below:

*Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to*

*choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.*

The Examiner's reference to Paragraph 14 of the NPPF is noted but because the site is included in footnote 6 to Paragraph 11 as it is Green Belt, then criterion (d) of paragraph 11 does not apply.

The Parish Council considers that if the NP didn't have site specific policies for these two sites then it would seriously undermine the whole purpose of the Neighbourhood Plan. Although the sites are not the subject of allocations in either the Local Plan or the Neighbourhood Plan, they are under development pressure which is reflected in the current applications.

Accordingly the Parish Council would ask the Examiner to reconsider his suggestion that the policies be merged with the section on Future Development Issues, as this would be seen by the community as the Neighbourhood Plan having no teeth and effectively disregarding the views of the community about the future redevelopment of either site.

#### Appendices

The Parish Council would agree with the Examiner's suggestion.