

John Slater Planning Ltd

# Stony Stratford Neighbourhood Plan

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## Submission Version

A Report to Milton Keynes Council on the Examination of the Stony Stratford Neighbourhood Plan

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## Introduction

Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside Milton Keynes' Core Strategy and the saved policies of the 2005 Local Plan. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

The neighbourhood plan making process has been led by Stony Stratford Town Council. A Steering Group was appointed to undertake the plan preparation made up of Parish Councillors and lay members. Stony Stratford Town Council is a "qualifying body" under the Neighbourhood Planning legislation.

This report is the outcome of my examination of the Submission Version of the Stony Stratford Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by Milton Keynes Council, the Local Planning Authority for the neighbourhood plan area,

## The Examiner's Role

I was formally appointed by Milton Keynes Council in October 2016, with the agreement of the Town Council, to conduct this examination. My role is known as an Independent Examiner. My selection has been facilitated by the Neighbourhood Planning Independent Examiner Referral Service which is administered by the Royal Institute of Chartered Surveyors (RICS)

In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 38 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both Milton Keynes Council, and Stony Stratford Town Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.

Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- That the plan should proceed to referendum on the basis that it meets all the legal requirements.
- That the plan should proceed to referendum if modified
- That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.

Furthermore, if I am to conclude that the Plan should proceed to referendum I need to consider whether the area covered by the referendum should extend beyond the boundaries of area covered by the Stony Stratford Neighbourhood Plan area.

In examining the Plan, the Independent Examiner is expected to address the following questions

- a. Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
- b. Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
- c. Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body.

I am able to confirm that the Plan, if amended in line with my recommendations, does relate to the development and use of land, covering the area designated by Milton Keynes Council, for the Stony Stratford Neighbourhood Plan on 22<sup>nd</sup> January 2013.

I can also confirm that it does specify the period over which the plan has effect namely the period up to 2026.

I can confirm that the plan does not cover any “excluded development”.

There are no other neighbourhood plans covering the area covered by the Plan designation.

Stony Stratford Town Council as a parish council is a qualifying body under the terms of the legislation.

## **The Examination Process**

The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.

I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.

I am satisfied that I am in a position to properly examine the plan without the need for a hearing. No parties have requested a hearing.

I carried out an unaccompanied visit to Stony Stratford and the surrounding area on 15<sup>th</sup> November 2016 to familiarise myself with the town.

## **The Consultation Process**

The steering group was formed in 2012 under the auspices of the Town Council, prior to the application for the designation of Stony Stratford as a neighbourhood area. This included representatives of different groups within the town.

The work of the group started with the publication of a Baseline Report and an Issues Survey which attracted 163 responses, a Business Survey, sub group discussions around 8 emerging Plan themes. As well as meetings, the Group has used its own website *Stonyfutures.org*, regular newsletters to all households, meetings with hard to reach groups such as young people and an exhibition at York House and stalls at Town events.

The Pre-Submission consultation, known as the Regulation 14 stage, ran for 6 weeks ending on 5<sup>th</sup> December 2014. A questionnaire was distributed to every household in the town and in addition various meetings were held with local groups. A total of 338 returned questionnaires were received as well as responses from a number of statutory consultees. I did receive comments questioning the independence of the questionnaire but I do not believe that it is within my remit, which is to examine the Plan within the statutory parameters, to consider whether individual questions are loaded or not.

The Consultation Statement summarises the responses received but it would have been helpful if the statement had demonstrated how the Plan changed as a result of the consultation responses. That information was actually provided within one of the representation responses.

## Regulation 16 Consultation

I have had regard, in carrying out this examination, to all the comments made during the period of final consultation, which took place over a 6-week period between 29th June 2016 and 10<sup>th</sup> August 2016. This consultation was organised by the Milton Keynes Council, who had received the Submitted Plan earlier in June 2016, prior to it being passed to me for its examination. That stage is known as the Regulation 16 Consultation.

In total 15 individual responses were received. Three of these were from a former parish councillor, two were from another resident and three other local residents made single representations plus I received a detailed set of representation from the owner of the Fuller Slade local centre. In addition, responses were received from Historic England, Sports England, Natural England, Anglian Water and two were from internal consultees within Milton Keynes Council – Transport Development Management and Housing Policy. I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies.

## The Basic Conditions

The neighbourhood planning examination process is different to a Local Plan examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.

The 5 questions which constitute the basic conditions test seek to establish that the Neighbourhood Plan: -

- Has had regard to the national policies and advice contained in the guidance issued by the Secretary of State?
- Will contribute to the achievement of sustainable development?
- Will be in general conformity with the strategic policies set out in the Development Plan for the area?
- Does not breach or is otherwise incompatible with EU obligations or human rights legislation?
- Whether the making of the Plan will have a significant effect upon a European site or a European offshore marine site, either alone or in combination with other plans and projects?

## Compliance with the Development Plan

To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan, which in this case is the Milton Keynes Core Strategy adopted in 2013 and the saved policies of the Milton Keynes Local Plan adopted in December 2005. The parish of Stony Stratford is not identified as a strategic growth area although the Western Expansion Area does lie adjacent to the parish boundary. It is identified as a Town Centre within the city's retail hierarchy where the policy is for it "to function primarily as a local shopping destination catering for the daily or specialist shopping needs".

I have carefully reviewed the policies in both documents and have found no strategic policies in either the Core Strategy or the saved policies found in the older Local Plan which are in any way undermined or compromised by the policies in this Neighbourhood Plan and this element of the basic conditions is met.

## Compliance with European and Human Rights Legislation

The Town Council requested the Milton Keynes Council to screen whether the Stony Stratford Neighbourhood Development Plan should be the subject of a Strategic Environmental Assessment (SEA) as required by EU Directive 2001/42/EC which is enshrined into UK law by the "Environmental Assessment of Plans and Programmes Regulations 2004".

Milton Keynes Council confirmed in October 2013, having consulted with the three statutory consultees, to the effect that an SEA was not required and I have been sent a copy of that screening opinion. It concluded at that early stage that the plan could have an impact on the conservation area but that the policies would be prepared in accordance with higher order plans and they concluded that it would not lead to significant environmental effects. It noted that there was a nature reserve within the plan area but will be unlikely to be the subject to significant environmental effects. I do note that Historic England has now changed its view, on the fact that the plan now includes allocations and at this late stage, when the Plan has been submitted to the LPA, that an SEA should be required. Having considered the extent of the allocations set out in Policies 2, 3 and 9, I do not believe that they will have, individually or cumulatively, "significant environmental effects" and my recommendation is that an SEA is not required. However, the Plan has changed since the screening opinion was issued and **I recommend that before the Plan is**

**made (if that is the outcome) that the LPA carries out another screening to ensure that it concurs with its original view based on the latest version of the Plan.**

I understand that the nearest European protected site is the Chiltern Beechwoods to the south of Milton Keynes but the screening for the Core Strategy concluded that it would not be affected by development within the city as a whole. The Core Strategy screening did look at possible impacts on 2 sites, namely Ouse Washes SAC/ SPA and Portholme SAC but concluded that there would be no impact to warrant the carrying out an Appropriate Assessment. Since that screening, the Upper Nene Valley Gravel Pits have been granted SPA status but the conclusion of all parties is that the Neighbourhood Plan policies are unlikely to have a significant effect on this new SPA.

The Council has concluded that it was not necessary for an Appropriate Assessment under the Habitats Regulations to be prepared.

I have received one representation from the landlord of the Fullers Slade Local Centre that the plan is incompatible with the European Convention on Human Rights as no one from the Steering Group had spoken to him. I do not consider that his human rights had been breached as he was clearly aware of the Plan and has been able to make representation upon it.

## **The Neighbourhood Plan: An Overview**

This is a well put together neighbourhood plan which, whilst principally focussed on the town centre area, covers other matters that are of particularly importance to the town.

It has policies that reflect the distinctiveness of Stony Stratford and has a commendably clear view on what the priorities for the town centre should be and in particular, the necessary ingredients to deliver a successful town centre, especially one with such a rich heritage. This includes matters relating to how the centre works such as the public realm, traffic circulation, parking as well as land use.

However, the legislation is explicit that neighbourhood plan policies should relate to the use and development of land. It is worth bearing in mind that that the referendum question will be, whether *“the neighbourhood plan should to be used for the determination of planning applications”*. This is reiterated in paragraphs 17 and 183 of the National Planning Policy Framework (NPPF) and is reinforced by the government’s advice in the Planning Practice Guidance. This states in the section *What should a neighbourhood plan address:*



“A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”

It then goes to recognise that “neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood plan than through the use and development of land. They may identify specific actions or policies to deliver these improvements. Wider community aspirations than those related to the development and use of land can be included in a neighbourhood plan but actions dealing with non-land use matters should be clearly identifiable, for example, set out in the companion document or annexe.”

I am concerned that some of the plan priorities stray beyond policies for the use and development of land into the areas of highway management, with the necessary procedures being taken under the Traffic Regulations and highway legislation rather than through the grant of a planning application. This covers matters such as traffic calming, shared surfaces, on street parking and indeed highway trading with street markets. Other elements of the Plan refer to bidding for resources or identifying future spending priorities which is a budgetary matter. My concern is that their inclusion is not appropriate within the development plan part of the document and indeed would undermine the basic conditions test.

I note that the plan has a chapter 16 - entitled “*Proposals that Compliment the Neighbourhood Plan*” covering matters that are clearly beyond the scope of planning policy. It could be a solution, if the matters that I identify as being beyond planning control, were to be put into that chapter. However, I do recognise that it may be better for the parts of the chapters that go outside the remit of being planning policy, to appear alongside the planning policies, to give more coherence to the way the Plan is approaching the subject. Some neighbourhood plans have come up with a solution, whereby the planning policies are identified by reference to a colour coding e.g. planning policies to be used for the determination of planning applications are put within, say a blue box, and other related matters, which cannot be planning policies, are put in a pink box, for example. It is not my role as the examiner to determine the structure and the layout of the document, but in the relevant parts of the report dealing with individual policies, I will identify those aspects of the policy that do not relate to planning policies for the use and development of land. For the sake of differentiation, I will call these Community Aspirations but that is a matter for the Qualifying Body to consider and decide how to achieve the differentiation that Secretary of State advice promotes.

Another item that I would wish to highlight is the question of the use of planning obligations. A number of the policies require development proposals to support improvements to the public realm or the highway network. For a financial contribution via a planning obligation to be used as a reason to approve the application it must pass **all** the tests set out in paragraph 204 of the NPPF, which is also given statutory weight through Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). This requires that the contribution must be:-

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

In addition, Regulation 123 of the Community Infrastructure Levy Regulations 2010 limits the number of pooled contribution to five contributions per scheme or type of infrastructure. Care needs to be exercised in creating an expectation of development proposals contributing to wider objectives, unless it is clearly shown that the 3 tests are passed.

I note that Milton Keynes Council has currently decided not to go down the CIL route, but if that were to change then the Town Council would be able to receive 25% of all CIL receipts from eligible development within the neighbourhood area to be able, to spend on its priorities. However, that is a matter for the Local Planning Authority to come to a view on but in the meantime, the ability to draw upon pooled funding through Section 106 Agreements is limited by regulation.

One of the requirements of a neighbourhood plan policy is that it should be drafted so as to “be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence”

There are a number of instances in the plan where it refers to policies possibly changing such as affordable housing policy or where further consultation is required. Being part of the development plan, it is important that the neighbourhood plan gives applicants and decision makers clarity as to how a planning application should be determined. I have identified where I believe the policies lack clarity or are not substantiated by appropriate evidence. Again, these are matters that go to the heart of the Basic Conditions.

My final general point is relating to the quality of the mapping within the Plan. It is important that the extent of the coverage of a policy, is made clear by reference to a plan, showing where the policy is intended to apply. In a number of instances the

maps do not show the full extent of the sites or some sites are not identified on a plan. I have pointed out where improved mapping is required. One representation has suggested that the plan would benefit from a comprehensive Proposals Map but that is not a matter that relates to basic conditions, but providing clarity as to the extent of a policy's application, is.

## The Neighbourhood Development Policy

### Policy 1: Sustaining and Enhancing the main commercial/employment areas

My initial concern relates to the information provided on Map 2, which is referred to in the policy wording. As a number of representations have pointed out, the full extent of the town centre area is not shown and whilst the limits are described in the text, that is not sufficient, particularly for properties that are situated off the High Street. It may be that the map was edited down to fit the bottom of the page but decision makers should be able to identify with confidence whether a site is or is not within the defined town centre area. It would also allow the full extent of the primary shopping area to be clearly shown, such as that part of Cofferridge Close, which is considered to be primary shopping.

There could be more consistency as to how the town centre is described. In the title of the policy, it refers to “main commercial /employment **areas**”. In the second paragraph, it points to “the health and vitality of the *shopping and commercial/employment areas*.” I assume that the purpose is to promote the role of the town centre as “a shopping, commercial and employment **area**” (Singular).

I note that the policy seeks to ensure that there is not a run of three non - retail A1 uses in any frontage length. However, since the recent amendments set out in the Town & Country Planning (General Permitted Development) 2015 – Part 3 Class D; planning permission is not required to the change of the use of an A1 retail shop to an A2 usage. This is a clear indication that such A2 uses are seen as appropriate town centre uses, as shops.

The policy says it permits the conversion of first floor space to residential uses. It would be helpful to add the caveat “where planning permission is required” as Part 3 Class G of the General Permitted Development Order grants planning consent for the change of use from A1/A2 uses to a mixed-use comprising A1/A2 uses and up to 2 flats. As this change of use can take place without reference to parking and design considerations, it seems inappropriate to place this obligation in respect of proposals for the conversion of first floors to residential use from other uses such as A3 to A5, especially as the parking generated by residential uses is likely to be less than if the

floorspace were to be used for its original commercial purpose.

The policy then refers to priorities for the town centre. It is quite appropriate for a document to set out clear priorities for the town centre, but the statutory test for a neighbourhood plan policy is that it should be for “the use and development of land”.

As previously stated I am concerned that some of the plan priorities, such as traffic calming, stray into the areas of highway management, rather than through the grant of a planning application. This also covers other issues such as the amount and restriction in respect of on street parking and indeed trading on the highway, with street markets.

I have read carefully the Design Guide and I cannot readily identify what the “improvements”, which are identified in the document, are (3<sup>rd</sup> bullet point). The Guide does offer sound general principles for any design to follow but I have failed to identify specific improvements that the document is proposing for the town centre. Any applicant would therefore be unclear if the scheme would be expected to contribute to a specific improvement, if it is not clearly identified in the Design Guide. I am recommending that this element of the priorities be deleted.

There are some priorities which can rightly be set out as a planning policy, such as the introduction of temporary uses in empty shops, beyond the permitted development rights, granted by Part 4 Class D of the Town & Country Planning (General Permitted Development) Order 2015. I am suggesting that they form part of the policy text.

The wording of the final sentence that “any development proposals which facilitate the delivery of these priority improvements will be supported”, could lead to some unexpected consequences or outcomes. It implies that, what may be an unacceptable proposal, “will be supported”, so long as the scheme facilitates the delivery of any of the priority improvements.

### *Recommendations*

Prepare a new Map 2 showing the full extent of the Town Centre Area and Primary Shopping Area.

Retitle the policy “Sustaining and Enhancing the Main Shopping/ Commercial/ Employment Area”.

In the third paragraph of the policy, delete “non-retail A1” and insert “A1/A2”.

In the last sentence of that paragraph delete “in terms of parking and design” and insert at the end of the sentence “The introduction of temporary uses in empty shops will be supported”.

Move the fourth paragraph to a Community Aspiration policy or include within the supporting text but delete “improvements identified in the Design Guide and temporary uses in empty shops”.

### Policy 2: Cofferridge Close

The requirement that any redevelopment “shall be a mix of A1, A2, A3, A4, A5, B1, C1, C2 **and** D1 uses” implies that all the mentioned uses are required to be represented in any scheme. It is highly unlikely that any development proposal would contain uses that fall within each of these use classes. It is entirely appropriate for this to be a mixed-use scheme. However, it is not necessary or indeed desirable, for all the uses to be provided to achieve this objective, although it is likely that retail floorspace would be a common feature, bearing in mind its important town centre location.

I am not entirely clear as to what scenarios the two sets of bullet points cover. For clarity’s sake, it is recommended that it should be made clear whether the first nine elements relate to both a redevelopment scheme or just alterations to the existing building. I initially assumed that the first set relate to alterations and the second set of four bullet points relate to a redevelopment proposal. Upon re-reading it, I am not certain if that is the case. The policy certainly could be made clearer. To illustrate the confusion if the first set of criteria does cover both redevelopment and alterations, the policy uses the word “*shall* reinstate the integrity of the original design” whilst under the second set of bullet points, dealing explicitly with redevelopment (sic), the policy states that the scheme “*may* aim to reinstate the integrity with the original scheme”. Having read the Inspector’s decision letter in respect of the recent appeal, I appreciate the importance attached to the early Newtown architecture in any refurbishment scheme but I nevertheless consider there could be an equally valid mixed use design solution devised to complement the conservation area and which would preserve and enhance the setting of listed buildings if the site were to be redeveloped.

On a cartographical point, the plan shown on Map 4 should be extended to show all the site. When I visited the location, I could not understand why the two blocks of garages in south-east corner of the site had been excluded. However, I do not believe that their exclusion, undermines the basic conditions test. This may be a matter for the Town Council to reconsider, particularly if the site were to be redeveloped.

Historic England has made a helpful suggestion that the references to Cofferridge Close set out in paragraphs 1 and 2 of Policy 15 would be better integrated into the specific policy dealing with development parameters for this important site for the

town. Similarly, the bullet points of paragraph 2 of Policy 15 would be appropriate put into the supporting text.

### **Recommendations**

Insert “and” between “A1” and “A2’ in the first paragraph and change the “and” to ‘or proposals for”.

Replace first bullet point to “preserve and enhance the Conservation Area and the setting of any adjoining listed building”.

Delete everything after “town centre” in the second bullet point.

In the fourth bullet point, delete “aim” and insert “any proposals for alterations will be expected”

In the fifth bullet, insert “as shown on Map 13 which is designated as Local Green Space”.

In the seventh bullet, delete “basically within the existing building envelope”

In the ninth bullet delete everything after “signage” in the first sentence and insert “of a style consistent with that used in the rest of the town centre”

In the tenth bullet, delete everything after “care” and insert “(including administration)” to read “provision for contemporary mixed health care (including administration.)”.

In the twelfth bullet, delete everything after “units”

Delete the final bullet

### **Policy 3: Market Square**

Much of the policy is a description of the area and the fact that other policies will be relevant to proposals within the area. This somewhat undermines the government intention of making plan policies concise.

In essence the policy is that there will be a presumption against the further loss of ground floor commercial or retail usage. I would imagine that the policy would be seeking to retain health services at this location, unless they were to be replaced elsewhere in the town centre and I note that a replacement medical centre is identified as a possible use that could be included within the Cofferridge Close scheme. It would be useful to cross reference the identification of the health centre as a potential development site, as a matter that is relevant to the Market Square area, (which could justify seeking contributions to the public realm improvements in the Square).

The requirement for development to support the improvement public realm is relevant, what is not clear is whether this will be expected to be achieved by financial contributions under Section 106 planning obligations or whether the scheme was required to physically implement some or all of the improvements. Equally there can be development proposals, such as changes of use or minor alterations, for example the installation of a replacement shopfront, which would not have any implications towards the need for public realm improvements. This point can be covered by the insertion of the caveat “where appropriate”.

### *Recommendations*

Delete all text prior to “There will be a presumption against”

Delete the last sentence of the first paragraph and replace with “the change of use or redevelopment of the doctor’s surgery and related health facilities for other uses will not be approved unless the equivalent facilities have been replaced elsewhere within the town centre”.

Insert at the end of the policy “where it is appropriate”.

### **Policy 4: Plough Corner, Wolverton Road/London Road junction**

The requirement for the policies to provide an opportunity to “affect the layout of the existing roads” is somewhat unclear. I cannot foresee a scenario where the redevelopment of the site, could require or facilitate the change in the road layout, bearing in mind that there are listed buildings on either side of the site. In any event, any realignment of the London Road/ Wolverton Road/ High Street junction would be a matter for a highway, rather than a planning decision, as would the provision of pavements, lighting, street signage, seating, street furniture, bus stops and the provision of the induction charging points. These are matters that will be better included within the non - development plan part of the document. Historic England have recommended some minor additional wording to the policy to ensure that the policy takes account the needs for management of heritage assets as set out in the NPPF, which I propose to adopt.

### *Recommendations*

Delete in the second sentence “corner”.

Insert “and that sustains the significance of” before “adjacent listed buildings”.

Delete “this will also provide the opportunity to affect” and move all bullet points and remaining paragraph, except the final paragraph, to the Community Aspirations section.

### **Policy 5: Shopfront Improvements**

My only concern is that paragraph 8-3 in the supporting text is a requirement related to changes to shopfronts, which will be more appropriately included within the policy itself. At present the status of that paragraph is not policy and it could not be used in confidence by decision maker in determining a planning application. My recommendation is to include that requirement within the policy itself.

#### ***Recommendations***

Insert the 3 bullet points from paragraph 8.3 into the policy text.

Delete the last sentence of the second bullet point.

### **Policy 6: Sustaining and Enhancing Fullers Slade Local Centre**

Whilst I can understand the desire to retain the presence of the convenience store within the local centre, planning control does not differentiate between types of shop. The supermarket could change to any other type of shop without requiring planning permission or indeed it could change to other uses by virtue of the permitted development rights. The desirability of retaining the convenience store would be better put into the supporting text. I propose to amend the description in the policy to refer to a retail store and other A2–A5 uses.

One of the requirements of a development plan policy is that it should offer certainty as to what the Plan is proposing. The caveat “subject to the community aspirations for the area” introduces a degree of uncertainty as regards whether the uses proposed by the policy, would be acceptable. Furthermore, this plan has already been the subject of public consultation and will be the subject of a referendum vote. It should therefore be able to make a land use allocation, with confidence. I believe that the inclusion of the caveat unnecessarily introduces uncertainty into the policy.

Matters relating to the accessibility of the local centre and improved bus stop are not planning matters, and are inappropriate for a neighbourhood plan policy.

There is an error in that the policy refers to the Map 6, when in fact it should refer to Map 7.

#### ***Recommendations***

Delete “convenience” and insert “retail”.

Delete “Map 6” and insert “Map 7”.

Delete all text after “workshop facilities” and insert “if appropriate”.



Remove the reference to the desirability of retaining the convenience store function to the supporting text.

### **Policy 7: Sustaining and Enhancing Galley Hill Local Centre.**

The requirement to include the retention of a convenience store is again beyond the scope of planning control as I have previously referred to in relation to Policy 6.

There is an error in that the policy refers to Map 7 when in fact it should refer to Map 8.

#### ***Recommendations***

Delete “convenience” and insert “retail”

Delete “Map 7” and insert “Map 8”

### **Policy 8: Enhancing Residential Amenity**

The wording of the policy states that new development will not be permitted if it is contrary to the provisions of the Design Guide **and** has a detrimental impact on the lives of people. It may be that a scheme is designed to be totally in line with the Design Guide but the scheme can still be detrimental to people’s lives, such as through flooding. The policy would be clearer if the test was whether it was in line with “design guidance *and / or* has a detrimental impact.....”

They will be some developments which are not appropriate to be considered against the Design Guide e.g. some minor developments or changes of use. That possibility can be covered by the insertion of the caveat “where relevant”.

#### ***Recommendations***

Insert “/or” after “and” in the first paragraph.

Insert “where relevant” after “development” in the second paragraph of the policy.

### **Policy 9: Development Proposals**

The sites identified within the policy are, in effect, allocations in the neighbourhood plan. However, all the sites are not shown on Map 9. It may be that the descriptions of individual sites can make reference to other plans, such as Map 3A for the St Mary’s Avenue site or Map 3B showing the location of the Northern Gateway. However, my preference would be for all nine sites to be shown on a single plan,

which can also delineate the extent of the allocation e.g. the text refers to the refurbishment of the land around Magdalena Tower, but does not establish the extent of that land. A boundary shown on the allocation plan would clarify the extent of the site which is covered by the policy.

One of the requirements of the Secretary of State's policy is that any policy should be based upon evidence. I have seen no evidence or justification, in respect of part of the allocation at St Giles, that occupation should be linked to local people who are living in or linked to the parish. Without convincing evidence, this restrictive policy cannot be said to meet the basic conditions. Sport England has objected to the inclusion of part of the adjoining playing field into the allocation. I have seen no evidence to justify the loss of even part of the playing field, as required by paragraph 74 of the NPPF and I therefore propose to delete that part of the allocation.

My final concern regarding this policy is the uncertainty it introduces, in terms of any future affordable housing requirement. The policy refers to a proposed housing needs assessment and viability assessment being carried out, which would be the basis for a change in the threshold and level of affordable housing to be amended. It would be inappropriate for the policy to offer a blank cheque for a future change in affordable housing policy which had not been tested either through examination as a development plan policy or through the issuing of Supplementary Planning Guidance which would have to have been the subject of public consultation. The policy does not have the support of the Council as Housing Authority. It may be that the provisions of the Neighbourhood Planning Bill, currently going through Parliament, will allow individual policies to be modified in future in isolation. This could offer a route to the Town Council in the future, but under current arrangements I have no option but to recommend the deletion of this part of the policy.

### *Recommendations*

Show all sites on a single plan with a boundary line indicating the extent of each site.

In bullet point 4 – St Giles, delete “plus part of adjoining playing field” and also “with an allocation for local (living in or linked with the parish) people”.

Delete all text in the final paragraph after “(Affordable Housing Supplementary Planning Document).”

### **Policy 10: Protect and Enhance Social, Sporting, Play, Cultural and Community Facilities**

The use of the verb “oppose” seems to indicate the taking of the stance, as would be the role taken by the Town Council when offering a consultation response to a

planning application. The purpose of the neighbourhood planning policy is to indicate how a planning application will be determined. To offer certainty, rather than state, any proposal will be *opposed*, it may be more positive to indicate that an application “will not be permitted”.

The specific proposals for improvement in play and other facilities would be better placed as a community aspiration in the supporting text as an indication of the Town Council’s future spending priorities. The last qualification adds nothing to the policy and could usefully be deleted in the sake of being concise.

### ***Recommendations***

Replace “opposed” with “will not be permitted.”

Move the sentence “Specific proposals” .... and the 5 bullet points to Community Aspirations.

In the penultimate paragraph delete “opposed” and insert “will not be permitted”.

In the last paragraph, delete everything after “Parish.”

### **Policy 11: Accessibility and Connectivity issues**

This policy is in the main covering matters that come under the jurisdiction of the highway authority. I am not satisfied that **all** development proposals can be expected to contribute to priority improvements within the plan. If, by that statement, funding is sought via planning obligations, then it can only be used as a reason to approve the application if it passes the tests set out previously in relation to planning obligations including the limits to the number of any pooled contribution to five contributions per scheme or type of infrastructure. I am therefore recommending that this policy be deleted as it is not a policy that can be used for the determination of planning applications and is rather a list of what schemes the Town Council would lobby Milton Keynes Council to fund.

I will also would also question the value of the information contained in Map 10 which shows the location of main highway and transport proposals. This identifies a number of scheme, by reference to letters but these are not cross referenced with items in the text.

My comments in this examination report are, in the main, addressing the policy wording, rather than that of the supporting text. I will expect the Qualifying Body to edit the supporting text to reflect the changes that I am recommending for the benefit of users of the “made” plan. But there is one specific issue that I must raise and in that is in paragraph 12–3. It states the land will be protected for a new H1 connection and junctions. This route is not shown on any plan, but the reserving of land for a highways scheme, could produce planning blight, for which there are statutory

provisions if included within a development plan. In any event, it can certainly create uncertainty for persons living in the locality such as those who back onto the road line. Whilst it is recommended that this section no longer appears as a policy, nevertheless I have seen no justification or evidence for these highway improvements and as such it would be better to move the list to a general aspiration within the Complimentary Policies along with the Town Council's desire to bid for funds from the Highway Programme.

### *Recommendation*

That the policy be deleted and moved to Community Aspirations

Remove the last sentence of paragraph 12.3.

### **Policy 12: Car Parking Provision**

This policy, on the one hand, requires the existing amount of parking to be maintained, with a presumption against the loss of car parking, yet at the same time, it supports increasing parking in two locations, the Northern Gateway site and off Queen Eleanor Street plus additional parking created as a result of new development. Whilst I fully appreciate the importance of parking to the town centre, it will be clearer to landowners, if the Plan allowed existing parking to be lost, if a commensurate number of additional spaces had already been re-provided elsewhere in the town. The improvement in quality of parking provision is essentially a car parking management issue, rather than a planning policy. It is not related to the use and development of land.

### *Recommendation*

Delete "and numbers and quality of parking overall will not be reduced" and insert "unless an equivalent number of replacement spaces have been provided in alternative, appropriate locations elsewhere in the town centre" at the end of that sentence. Delete the next sentence and move to community aspirations.

### **Policy 13: Enhancing the Parish's Heritage and Public Realm**

Stating in a planning policy, that the Town Council will be carrying out Street Audits is not in itself a land use policy, which can be used to determine planning applications. This statement of intent should be moved to the complementary policies or set out as a community aspirations. It is merely an indication of future action to be taken by the Town Council.

The section of the policy relating to applicants having to demonstrate compliance with the Design Guide and Conservation Area Appraisals should make clear that this

can only relate to proposals in conservation areas or major schemes. Developments of less than 10 residential units, outside Conservation Areas and not affecting listed buildings, are not required to submit a Design and Access Statement.

#### ***Recommendations***

Delete everything up to “applicants” and insert “when required” after “design and access statements” and insert at the end” how the design has had regard to the advice contained within the Stony Stratford Design Guide (and successor documents)”.

Delete the last paragraph.

### **Policy 14: Review the Extent of the Conservation Area**

This is merely a statement that the conservation area will be kept under review. A neighbourhood plan cannot designate a conservation area or extend it, nor require a review to be carried out by the Local Planning Authority. The policy should be deleted.

#### ***Recommendation***

Delete policy and move to community aspirations

### **Policy 15: Protect and Enhance Open Space within the Parish**

This is an entirely appropriate policy but all the open spaces referred to in the policy should be clearly shown on the map. Map 12 shows only 4 of the areas.

#### ***Recommendations***

Insert “as shown on Map 13” at the end of the first paragraph.

Delete the second paragraph and all the next bullet points.

Show all the sites on a Map including boundaries showing the extent of the individual designations.

### **The Referendum Area**

If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Stony Stratford Neighbourhood Plan as designated by Milton Keynes Council on 22<sup>nd</sup>

January 2013, is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

### Summary

The Town Council and the Steering Group are to be congratulated upon the production of such a high-quality plan. My site visit confirmed that Stony Stratford remains a thriving town centre with an outstanding conservation area, at its heart. This plan will reinforce the distinctiveness of the area and aim to support the objectives of remaining a successful place to live, work and shop. The changes I have recommended to bring it tightly in line with the statutory provisions should not be seen as weakening the plan, but rather ensuring that it focuses on what a neighbourhood plan should be concentrating on being a development plan document to guide decisions on planning applications within the plan area, over the next decade. It remains a coherent statement of intent on behalf of the Town Council to seek to protect and enhance the town, especially its retail and commercial heart. The inclusion of other matters as community aspirations or howsoever the Town Council proposes to deal with the non-planning policies, still capture the work that has been done, sets out a positive vision for the town and “tells the story” more than adequately.

Finally, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.

**I am therefore delighted to recommend to the Milton Keynes Council that the Stony Stratford Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum.**

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

5<sup>th</sup> December 2016